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EDITORIAL

The series of Anabaptist documents in translation which is being presented by John C. Wenger is resumed in this number with the publication of a letter from Wilhelm Reublin to Pilgram Marpeck of 1531. Though Reublin is one of the lesser figures in early Anabaptism, his letter is of value in its disclosure of the difficulties which arose between the more radical group in Moravia, later known as Hutterites, and the more moderate Swiss Brethren type to which Reublin adhered. That not all was sweetness and light always in the ranks of the Brethren is abundantly clear from Reublin's report of the struggle he had in Moravia, and of his final expulsion. However, the figure of Reublin is not altogether clear, even though he seems to have been a friend of Pilgram Marpeck, and it is not fully discernible on which side most of the blame rests in the unfortunate strife which the letter records.

Almost alone of the modern Mennonite bodies the Old Order Amish have retained the truly severe disciplinary measure known as "shunning" or "avoidance" which was almost universally practiced by the earliest Anabaptist-Mennonites. With the help of this procedure Menno Simons and his associate elders in Holland and North Germany fought a successful battle to prevent the infiltration of heretical theological beliefs and antinomian ethical practices which were a constant threat to the purity and unity of the brotherhood. In a day when many strange spirits were abroad, the Batenburgers, the Familists, the Davidians, the Adam Pastor followers, and others, and it was not always easy to meet the challenges and temptations with adequate local teaching and leadership, severe measures like the social as well as religious avoidance of apostate members and seducing teachers were no doubt necessary and justified. It may be doubted whether they are still justified today. Be that as it may, the Amish have consistently maintained this practice of the early Anabaptists, even at the cost of much trouble and grief and many schisms. It is a fully accepted and well-known feature of the church polity of this group.

It is therefore astonishing that an apostate Amishman should sue his former bishop for civil damages supposedly due to shunning by his former coreligionists, and still more astonishing that the trial judge should award the damages claimed. Fortunately the Review is in the position to present an exhaustive study of this case, recently tried in Wooster, Ohio, based not only upon a personal investigation of the contest but upon a careful scrutiny of the transcript of the trial, "Caesar and the Meidung," by John Howard Yoder, a young Mennonite scholar, resident of the Wooster community, who is both thoroughly conversant with Amish practices and sympathetic with the Amish position. It is, however, more than a mere report of the trial, bringing to light some neglected or overlooked legal aspects of the case. It penetrates beneath the surface, putting the entire matter into its proper larger setting of religious and social theory and life background. It is clear from his presentation that the judge and the lawyers on both sides failed to see or comprehend the full meaning of the issues, and accordingly the Amish position received less than its just due.

The valuable list of Anabaptist documents in the Moravian State Archives at Brno, Czechoslovakia, as well as the extensive list of ecclesiastical and genealogical materials rescued from the former Danzig and West Prussian Mennonite areas, which are presented in this issue of the Review, are a part of the fruit of the editor's endeavors during a fourteen-month sojourn in Europe, June, 1947, to August, 1948, to add to the information regarding materials in European archives of value to the study of Anabaptist-Mennonite history.

The Second Annual Report of Attendance at Mennonite Elementary Schools is presented in this issue by Silas Hertzler, who plans to make this report an annual affair, paralleling his report on attendance at Mennonite Schools and Colleges which has appeared regularly in the Review since 1934.

The Mennonite Quarterly Review

Vol. XXIII No. 2

A LETTER FROM WILHELM REUBLIN TO PILGRAM MARPECK, 1531

Translated and Edited by J. C. Wenger

One of the few outstanding elders among the Anabaptists of southern Europe who was permitted a normal life span was Pilgram Marpeck, the Tyrolese mining magistrate and civil engineer.[1] Marpeck was born at Rattenburg in the Inn Valley in the latter part of the fifteenth century. As a young man Marpeck had changed from Catholicism to Lutheranism only to abandon the Lutherans and become an Anabaptist by the close of 1527. Early in 1528, following the loss of his position and the confiscation of his property he fled to the tolerant city of Strasburg in Alsace. At that time Anabaptists were flocking to Strasburg from various quarters. Several years prior to Marpeck's arrival Michael Sattler (d. 1527) had lived for a time in the city. Beginning in 1531 Marpeck served as a leader of the Strasburg Anabaptists. His predecessor had been Wilhelm Reublin whom he undoubtedly knew.[2] Indeed it is possible that Reublin ordained Marpeck as minister and elder, although this is not known definitely. Early in 1532 Marpeck was banished from Strasburg following several disputations with the noted reformer of the city, Martin Butzer (1491-1551). Ultimately he located in Augsburg in Bavarian Swabia where he

1 See the article "Marpeck, Pilgram," in the *Mennonitisches Lexikon*, III, 25-34; also J. C. Wenger: "The Life and Work of Pilgram Marpeck" and "Pilgram Marpeck's Confession of Faith," *The Mennonite Quarterly Review*, XII, 3 (July 1938), 137-202; and "The Theology of Pilgram Marpeck," *Ibid.*, XII, 4 (October 1938), 205-256.

2 Compare the second sentence of his letter to Marpeck.

served as an engineer and where he died in 1556. Marpeck was the chief author of three theological treatises, the *Vermanung* of 1542, the *Testamenterleutterung* of about 1544, and the *Verantwortung* of about 1546, as well as several other smaller booklets which are no longer extant.

Wilhelm Reublin[3] was born in Rottenburg am Neckar in South Germany about the year 1480. He studied at Freiburg and Tübingen and served as a priest at Griesheim near Schaffhausen. In 1521 he became pastor of St. Alban's Church in Basel. Two years later he was serving as a priest at Wytikon near Zurich. Reublin early espoused the cause of the Reformation and was the first priest in Switzerland to publicly take a wife in marriage, August, 1523. In January, 1525, he served with Conrad Grebel and Felix Manz as an Anabaptist spokesman in the first major disputation with Zwingli. As early as 1522 Reublin had been banished from Basel for abetting the violation of a church fast and two years later he spent some time in prison for influencing Wytikon parents not to have their infants baptized. Reublin became a vigorous leader of the Swiss Brethren and soon after the disputation of January, 1525, was banished from Zurich. He went to Waldshut, won Balthasar Hubmaier for the Anabaptist cause, and baptized him on Easter Day, 1525, together with about sixty of his parishioners. On the following days Hubmaier in turn baptized over three hundred converts to Anabaptism.[4] By 1526 Reublin was active in Strasburg as an Anabaptist. In 1529 he removed to Moravia where he appeared in the Hutterian Congregation at Austerlitz.[5] Reublin, or Räbel as the *Hutterian Chronicle* calls him, introduced himself as a preacher *(leerer)* but the Hutterian Brethren refused to recognize his ministry. The next year Reublin, who as a powerful preacher in Basel years before is said to have attracted crowds as large as four thousand,[6] began to preach to such brethren and sisters as would listen to him, and the struggle described in our letter ensued. Reublin and the Austerlitz leaders carried their struggle to a church division which reached its culmination on January 8, 1531. With a small following Reublin

[3] Compare W. Koehler's sketch in R.G.G., IV, 1997.

[4] John Horsch: *Mennonites in Europe,* 161.

[5] A. J. F. Zieglschmid: *Die Älteste Chronik der Hutterischen Brüder,* Carl Schurz Memorial Foundation, Philadelphia, 1943, 92-98. Professor Zieglschmid cites literature on Reublin, *Ibid.,* 92 n. Cf. Christian Hege: "Austerlitz," *Mennonitisches Lexikon,* I, 99.

[6] Samuel Geiser *et al*: *Die Taufgesinnten-Gemeinden, Karlsruhe* (Baden), [1931], 154.

established his congregation of followers at Auspitz.[7] The *Hutterian Chronicle* also reports the excommunication of Reublin for having withheld certain personal financial resources from the common treasury, a sum of twenty-four florins; the *Chronicle* calls him a "lying, unfaithful, crafty Ananias." Reublin appeared in Basel in 1554, and in Znaim, Moravia, in 1559. The date of his death is unknown.

This letter of Reublin to Marpeck is of value both as supplementing the data of the *Chronicle* and as indicating the close spiritual rapport between an acknowledged colleague of Grebel, founder of Swiss Anabaptism, and Marpeck, the South German Anabaptist elder.

The text of the letter follows, translated from the original sixteenth century German in C. A. Cornelius: *Geschichte des Münsterischen Aufruhrs. Zweites Buch.* (Leipzig, 1860) 253-259.

Grace, peace and mercy from God, and the true knowledge of Jesus Christ be multiplied unto you through the clarity of the eternal Word in the power of the Holy Spirit to do the changeless will of our Father in heaven, so that His holy name may be praised and blessed in and through you and us, now and forever, Amen.

Dearly beloved Brother in the Lord, I am constrained by hearty and divine love, with which I have ever loved you[8], to inform you about our matters and our life, and what has transpired in the meantime between us and those of Austerlitz. Know therefore that I, as I wrote to my brother-in-law Caspar Schueler, have been badly deceived in reference to the Brotherhood because of certain articles—as he also saw himself; and the elders themselves I have discovered to be false deceivers, and untrue in doctrine, life and work in each and every point: so that I have often wished that, if offense were to have arisen from my first writing, I had during that time held my hand in a burning fire. Therefore, dearly beloved Brother, you will not be angry and not regard me as guilty, but they who deceived me with clear and learned words. The way they have repaid the just God, the marvelous deeds they have done and accomplished in us, in unspeakable.[9] You with us will freely from the heart now and in eternity thank the Eternal Father in Christ Jesus, Amen.

As soon as my brother Caspar departed from Austerlitz the elders themselves discussed many points from the Scripture for three days that week, in which points I always found them unsound and untrue in doctrine, and I overcame them always with the truth so that they had to give way and after many disputes they often gave me the kiss of peace, but in their hearts they were not true, as time later demonstrated. It so happened that I took the place of Kilian[10] in preaching during his absence. As I in

[7] Cf. John Horsch: *The Hutterian Brethren, 1528-1931. A Story of Martyrdom and Loyalty,* Goshen, Indiana, 1931, 8-10; also Christian Hege: "Auspitz," *Mennonitisches Lexikon,* I, 98.

[8] Reublin here indicates a fairly long and intimate friendship with Marpeck.

[9] The final break between Reublin's group and those at Austerlitz had taken place only eighteen days before this writing, hence the sharp tone of the letter.

[10] A preacher at Austerlitz. *Chronicle,* 90.

the course of the sermons prayed the Lord's Prayer several times[11] with the members of Christ, there arose discontent, strife and great rumors so that I was obliged to hold another disputation with the elders. Now although they withstood me vigorously the truth nevertheless prevailed and overcame their error: To God be praise eternally, Amen.

After this[12] it happened that following an evening meal I wished in God's freedom to proclaim the Word of God with which I have been commissioned, so that I might give to others and to myself joy, comfort and edification according to the gift of the Holy Spirit. So I began with a clear voice[13] to speak that which the Spirit showed me from the open book of the Holy Scripture of I Peter 1. The following evening the hearers entreated me to continue further, which I did. But when the elders saw the earnestness of the people, a larger group having assembled on the benches because of their thirst to hear the Word of God, on the third night they sent the people out of the room. They went into another room which was called the School. Thither I followed and taught them with a full voice; and the size of the group increased. At the first only eight or nine persons had been present.

At that time Old Jacob,[14] one of the elders, wished to leave the congregation and having called the people together made a very long address on the marvelous achievements of himself and his brethren at Austerlitz. Finally he called out the names of those brethren who only were permitted to preach, and no one else, neither was anyone to listen to the preaching of anyone else. This speech grieved and saddened me, for I knew well what the outcome would be. I comforted myself much with the Lord's grace and Spirit, and regarded the Lord's command more highly than that of men. He would certainly speak to me, and I to Him, in His own time. But for the sake of greater lenity and peace with the crafty I said to George Zaunriden[15] and to George Prentl, the appointed elders of the Congregation, taking along Thomas Lindner[16] of Schwatz: "May I now no longer preach,[17] and comfort neither myself nor others with God's words, and is the Spirit bound as far as I am concerned?" They replied that I might preach—who could oppose it?—but that I should not extend the hand of reclamation with the grace and gifts of God. Thereupon I launched out with more sermons.[18] When Kilian, Frantz and the other elders heard of this they hurriedly sent messengers to Old Jacob[19] with written messages. He came, summoned me before the elders, and inquired why I was preach-

[11] "einsmal oder sechse," perhaps an impure text.

[12] Most of the paragraphing of the letter was made by the present translator.

[13] The *Chronicle* reports that, "Räbel angefangen hat zimlich laut zu lesen."

[14] According to the *Chronicle* Jacob Widemann was the leader of the struggle with Reublin (pp. 94, 95). (Widemann died as a martyr in Vienna, 1536.) But Jacob Huter expelled Reublin for not turning over to the Brotherhood all his money (pp. 97, 98).

[15] Zaunring in the *Chronicle*.

[16] Thomas Lindl in the *Chronicle*.

[17] In this case the German word is "reden," but Reublin's usual term for preaching is "leren" [lehren]. I make no attempt to translate his terms consistently but have rather employed in each case the term which would be most natural in English even if it involved a free translation.

[18] "Sagten sie mir, ich möcht wol reden, wer darwider sein kunde, das ich nit mit Gottes gnaden und gaben auch anderen die hand zw pesserung raichen solt. Hierauf bin ich mit weitterer ler fort gefaren."

[19] The *Chronicle* also reports the dispatching of messengers to fetch Jacob Widemann the founder of Moravian communistic Anabaptism (p. 93).

ing without their command and authorization. I asked them again whether I was teaching the truth. They replied that it was indeed the truth but they wanted to know why I was teaching. I answered: "Ask the people—they are the reason—or go with me before the people who are being taught and I will indicate to you how and why I teach. For I have taught openly, and openly I wish to show the reason, and in corners I will not any more settle this with you." Then they were angry and full of wrath against me, and counselled day and night how they might expel me.

When therefore the people assembled themselves after the evening meal Old Jacob entered the room and cried out saying: "What is this? We did not give a command to this effect, and it is also contrary to our regulation for a person to preach here. Therefore depart and go to your homes." The brethren, however, spoke up and said: "If you were a true servant of Christ you would not forbid us to hear the Word of God:"—with many other words. And so I preached what the Lord gave me.

Early the next morning the elders held still another council, called in about sixty men and severely accused me in my absence that the people were running after me, and that I was a false prophet. Then said George Zaunridt, my dear brother: "You cannot bring that upon Wilhelm in all eternity." Old Jacob answered and said to George: "I observe that when one probes the wounds of Wilhelm that you cry out, also."[21] After many words he requested George Zaunriden that when my case was being discussed he should keep silent—so that they could the more easily expel me.[22] Then George said: "It is not God's will that I should remain silent where I see that decisions are not made in a righteous manner." Old Jacob replied again: "If you then do not wish to keep silent you shall depart from us so that we may the more simply dispose of Wilhelm's case." To that, however, George replied, speaking as much as was consonant with love. He also asked whether I had not preached the truth. The elders replied that they were not objecting to the teaching, and they stated further that they knew well that I was teaching God's commandments and truth but at an improper time and contrary to their regulation; for they have three appointed days in which to teach; and at any rate, said Kilian an elder, we wish to stay by our regulation, let come what will.[23] Thereupon many of the brethren who had heard me were called before the elders and plied with cunning and sharp questions[24] as to whether they did not wish to remain obedient to their elders like they had begun at Austerlitz. Whereupon one, to satisfy them, answered and asked, why they wanted to forbid the word of God and restrain and hold in their house me and the brethren and sisters of the church who were persecuted for the sake of the word of God.[25] They also did the same to many sisters, attacking and scolding them, saying that my teaching was of the devil, when they themselves had formerly pronounced it as of God. The more they employed cunning, deceit and untruths the more their roguery became evident.

20 Cf. Note No. 15.

21 "ich merck, wan man Wilhalm in die wunden grif, so wurdestu och schreien."

22 "solte er schwaigen, auf das man mich dester pasz verbannen."

23 "wir wellen bei unser ordnung bleiben, kost was er wel."

24 "und mit listigen und spitzigen fragen versuecht waren."

25 The original is difficult: "Darauf dan ainer ires gefallens geantwort hat, sunder fragten und sprachen, woran sie mir und den gmainen gswriftgeten, so von Gottes wort wegen vertriben jetz in irem hausz Gottes wort verbuetten sperren und aufhalten wellen."

On New Year's Day about three [o'clock] the elders and their followers took counsel how they might find authorization to ban and condemn me. When day broke they called together the whole church of about six hundred persons, men and women, and accused me sharply and severely before all the people as a mutineer and a trouble-maker,[26] defaming me with many words. Then Old Jacob related how he had built the house[27] and had led the people from Nikolsburg, and requested those who regarded him and his colleagues as pious, righteous and true ministers to follow him to one place. With me remained as supporters George Zaunridt, David a Bohemian brother, Burckhart of Offen,[28] and many of the people both of men and women. As we therefore stood there the other party sent six persons to us inquiring why the people with me did not join them. Thereupon I and all the people replied: Since I have been accused I requested to be permitted to make a reply as would be right and in accordance with imperial and divine law. But I was not permitted to proceed that day although we sat out in the cold from morning until evening; I was not able to proceed. All they wished to do was to take the people away from me, but the people were well able to understand the matter.

On the Monday following the New Year the elders took counsel with some of their men, and on Tuesday they demanded of me, George, and Burckhardt, that since we had labelled their elders as false teachers and prophets we should now prove this before them. We replied: Since we have been accused before all the people we wish to make our reply before all the people, answering with the truth and with Holy Scripture which would testify to and overcome that which we would speak. We requested only to appear before the people and the congregation. Therefore the congregation was summoned. On Wednesday I stood with my brethren George, David and Burckhart before the congregation in the yard[29] and stated that Jacob, Kilian and Franz together with their elders were false teachers and prophets, unfaithful to God and His children, that I would prove this by the truth of Scripture and from living men.

First I said that they were not a Christian Congregation believing in one God and having one baptism, boasting as they did against me and all the world, which in turn was why they did not possess in truth the fruit of the Holy Church of God, but even hindered others in this attempt, delaying them and falsely accusing me—which they could not deny.

In the second place, the Christian Church which has its being, work and power in the Holy Ghost, they have troubled, and the springs of divine grace and mercy which should flow in the Spirit to the children of God they have rejected, diverted and ruined. They have robbed, extirpated, and removed from the teachers and the hearers the power of the grace of God.

In the third place, they treated the community of temporal and physical goods falsely and with great deceit, other than they at the first had stated and promised to me. They practiced respect of persons, granting to the rich their own little dwelling, Franz and his wife maintaining their manner of life just like the nobility. As to food the common brother must reckon peas and cabbage[30] as good, but the elders and their wives dine on roast meat, fish, fowl and good wine, for I never saw any of their

[26] "aufruerer und unglucksmacher."

[27] Cf. Note No. 19.

[28] Professor Zieglschmid locates Ofen in Hungary.

[29] "fur die gmain im hof."

[30] "erbeisz und kraut."

wives at a common table. Another person may not have shoes or smock[31] but they have made good trousers, coats and furs in profusion.

Fourthly, they taught that water baptism is a work of righteousness, whereas that should be faith; this, I have heard from their own mouth, from the elder Jacob, which I also reproved him for in the presence of his brethren at the time,[32] for he said that his comfort and salvation rested on water.

Fifthly, they say that those who have received holy [baptism], who have recognized the will of God and by the power of the Holy Spirit have transformed their lives, such persons may preach; they are the true ambassadors of God. But they did not wish to recognize me as such, contrary to their own word and work.

Sixthly, they condemn the children to hell contrary to all truth and Scripture, which in response to our request they have asserted.[33]

Seventhly, they have set aside the Lord's Prayer without any foundation in truth, which I also contrary to their will have by God's grace reproved with the truth.

Eighthly, they never wanted to pay Charles the blood-money and war tax,[34] which my Caspar also certainly heard, and the Lord of Austerlitz himself, with great animosity, paid money to the state for the brethren. But as soon as Caspar arrived they became willing to pay this blood-money, apart from any necessity. Concerning this Brother David also made an open address against them, but they also acted against him falsely; thereby are they found great hypocrites.

Ninthly, the young women are bound in marriage to the young men without the knowledge and consent of their heart, with much pressure and compulsion based on God's command. In the beginning they denied this and would not admit it until in the work I learned of four sisters who left their husbands,[35] of whom three are still among us.

Tenthly, the young children suffer from a lack of milk and are ruined by solid food;[36] more than twenty are wasting away and have been ruined: a stone must needs pity them. Many donate fifty florins to the congregation only to see their children suffer from hunger later. By this one can easily see that their project rests only on money and purse, for they also took away my money.[37] But that of God they did not wish to have.[38]

These articles I testified against them and revealed the truth before all the people, bringing it to the light by the grace of God. I said therefore: Since this is true and undeniable I will withdraw from you as impure, false, misleading prophets and liars, together with all those who fear God out of a pure heart and love Him, according to the command of God our Lord. I spoke further to them: Since you received from two purses four hundred gold pieces in four weeks you should make clear what you have dispensed

31 "Ein anderer dorft nicht schuech noch hembtlen."

32 "Zum vierten den ainsigen wassertauf alsz ein werck der gerechtigkait, welchs der glaub sein sol, gelernt, und ausz irem munt von dem eltisten Jacob gehört hab, des ich auch in [ihn] vor seinen mitbruedern der zeit betzeugt hab . . . ."

33 ". . . und in die hell gesetzt, wider alle warhait und gschrift, des sie verlangst von uns betzeugt seint."

34 "das bluetgelt und steur dem Karolj in krieg hond sie nie wellen geben."

35 "wol vier schwestern von iren männern drend und kumen sint."

36 "die jungen kindlen on [ohne] milch hertter speisz verderbt."

37 Is this a reference to the charge that Reublin held back some of his money for a time?

38 The sentence seems unclear as it is printed by Cornelius: "Aber der Gottes wellen nit."

to my brethren and sisters from their money which they submitted to you. The treasurer replied that they did not have one cent;[39] and they had expended twenty florins for grain. That was all the account which they could bring to light of all that large sum of money.

Early the next morning I went to the Jews with certain brethren. The Jews told me that they had received from them the day before a large handful of ducats in exchange; and so it was that he did not have any coins![40] This also I reported openly before them in the Congregation but no one replied. Also they gave to the brethren and sisters neither farthing nor cent,[41] yea, not a roll of bread; they even tore the sheets and covers from the beds of the brethren and sisters.

Therefore trusting in God and His grace, and for the sake of the truth, we left Austerlitz on the eighth day of January, departing from the false brethren and shaking the dust off our shoes against them.[42] Oh how richly and powerfully God manifested His power to the blind, the lame, the lepers, and the cripples, and showed Himself faithful.[43] They held up their heads to testify to God's truth as they departed with us. We numbered two hundred fifty[44] apart from children as we departed on a single day. Jews and heathen were moved to pity and sympathy by this sight at Austerlitz. We had to leave behind approximately forty sick persons in a small cottage,[45] because they could not follow us, but we provided them with servants and supplies[46] according to their need. Let everyone think for himself how delightful such a journey was in such poverty, with but little money and many children, in wintertime. But the grace and mercy of God and the love of Jesus Christ were still greater among His people, for they were all happy and in good spirits and courageous in heart, comforted by the Spirit of God and having good assurance. No one asked: What will we eat or drink? Or where will we find shelter? But the dear Father who has never forsaken His child who trusts in Him stretched out His mighty arms over us and led His people marvelously through the enemy to a rich and precious island in the sea, in the interior of Moravia among the Bohemians, where wine, grain, fish, meat, and all kinds of food are found in greater abundance than in all of Germany.

Through a noble lady in the market at Auspitz God provided for us a place of freedom to settle on, without any compulsion in matters of faith, to work at hand trades, to plant crops, to build, to purchase houses and to possess them, . . . a village called Starlitz, a parish-estate, where we now have fifty brethren and sisters.[47] Our hearts, however, are not turned toward this but toward the kingdom of God, for one cannot strive to receive the precious pearls without the cross. Therefore he who wishes to join us must take up his cross and follow us, for apart from suffering and the cross one cannot be saved. Blessed be God who by His Spirit in our extreme weakness has armed us with His strength against this false

39 "nicht ain pfennig."

40 "so het er nit muntz gehabt."

41 "weder haller [Heller] noch d."

42 Following the words of Jesus in Matthew 10:14.

43 "und betrisen ertzaigt hat."

44 "drithalbhundert." The *Chronicle* states: "Ongefer beÿ hundert und fünfftzig personen."

45 "in ainem huttlen lassen."

46 "versorgt mit dienern und bravant."

47 "auch zw aller lest ein dorf Starlitz genant, ein pfarhof eingeben, da wir dan jetz L gschwistergeten in haben."

spirit and has permitted us to triumph. May His holy name be blessed eternally through Christ Jesus, Amen.

Here therefore you now have briefly an account of what has happened to us in the past. And do not estrange yourself from me because God led me as a sick man from Strasburg to Moravia. I would prefer peace but arrived in the midst of unrest. May God be praised forever and eternally, Amen.

Dearly beloved Brother Pilgram, I entreat you to show my letter quickly to all the dear saints and brethren for the sake of Christ and His holy righteousness, so that no one may be deceived through the false brethren at Austerlitz and through their messengers and thus as we have indicated to you, be led astray. So keep watch and take care of yourselves and of the people of God that you may not be deceived. The locksmith to whom you gave the letter addressed to us was corrupted[48] by the false brethren so that he did not wish to come to us although he was accosted by our brethren. On the Friday after Paul's Conversion[49] Brother Sebastian Thaurer and Hans Eschlperger together with other brethren arrived here with us, also Hans Zuck of Altorf. These greet you heartily and wish you well in the Lord. They say that the roads are open and not unsafe. . . .[51] Those with us are one in the Lord and at peace. That which is of further urgency the brother who is the bearer of this letter will report to you orally, for he resided at Austerlitz longer than we. Be ye then commended to the Lord. The Christian Church at Auspitz sends greetings to you and to all the brethren scattered here and there in your community, and requests that you pray for us in the Lord. We will do the same for you. Greet for me Martin Leopolden, Anderlin, Peter and Wolffen von Landaw and all those who love us. The grace of God keep you and us from all evil, Amen.

Written in Auspitz in Moravia on January 26, 1531. We have indeed sent other letters to you but believe that they have been delayed by the merchants. If possible, arrange to send a copy of this letter to Erhard Rosenstock outside the city of Zurich so that he may send it on to others.

[48] "gestochen worden."

[49] The celebration of Paul's conversion is held on January 25 in Roman Catholicism.

[51] Reublin probably means that few catchpolls were then patrolling for Anabaptists.

CAESAR AND THE MEIDUNG

John Howard Yoder

Apart from the general issues involved in conscientious objection to war, and the specific problem of the Jehovah's Witnesses, there has been perhaps no more notable, or at least no more generally noticed, set of events demonstrating the difficulties of relating the state to minority religious groups than the so-called "Mite" case recently tried in Wooster, Ohio. For its value as thus illustrative of a broader problem, this incident is worthy of study to illuminate the social and religious differences arising from the contrast in basic values and thought-patterns between legal and sectarian-religious philosophies.

The word "mite," which shall hereinafter be scrupulously avoided, is of course nothing but an imprecise anglicization of the Pennsylvania-Dutch *meide,* from the German *meiden,* to shun; and refers to the general Amish practice of avoidance of expelled members, in accordance with Article XVII of the Dortrecht Confession of 1632. The suit under discussion, Wayne County case No. 35747, was brought by Andrew J. Yoder, a former member of the North Valley (Helmuth) District Old Order Amish Mennonite congregation of southeastern Wayne County, Ohio, against the officers of the congregation, because he had been shunned consequent to his transfer of membership to the near-by Bunker Hill Conservative (Beachy) Amish Church.

Most of the facts in the case are well established. Andrew Yoder's infant daughter, Lizzie, needed frequent medical care for which she had to be taken to Wooster, sixteen miles distant. Chiefly for this reason, although there were others in addition, Yoder desired to transfer his membership to the Beachy church, which would permit him to own an automobile. He began to attend the Bunker Hill church about July 1, 1942, and some weeks later purchased a car. Before the purchase, however, Yoder was placed under the ban by the Old Order church from which he had withdrawn. The precise details and chronology of this church action are the only disputed questions of fact, and will be discussed later. The avoidance was practiced quite strictly until the time of the trial in 1947.

The first action toward a resolution of the difficulty was a letter sent from the Bunker Hill church to the Helmuth church in July of 1946, stating that Andrew Yoder and his wife were faithful

members of that church, and had been in good standing for four years. This was accompanied by a covering letter from Abner Schlabach, minister of the Beachy church, to Amish Bishop John Helmuth, expressing his hope that the *Meidung* could be lifted. To these letters there was no reply or acknowledgment. Soon thereafter Yoder began to seek legal aid from Charles C. Jones of Wooster, an attorney who had had previous dealings with the Amish in connection with their difficulties under the state school-attendance law. Jones' first effort, beginning in November, 1946, in two letters and a conference with the Amish church officers, was an attempt to persuade them to lift the ban without litigation, but since no adjustment could be made, action was filed in the Common Pleas Court of Wayne County in February, 1947, asking damages of $10,000 from each of the four defendants; John Helmuth, Bishop; John Nisley and Isaac Miller, ministers; and Emanuel Wengerd, deacon; and further asking an injunction forbidding further enforcement of the avoidance.

The suit was tried in the Court's September term, November 4-7, 1947, in Wooster. The jury found for Yoder, and the injunction was granted, but the total damages awarded were only $5,000, one eighth of what had been asked. The defendants made no move toward payment, and consequently Helmuth's farm was sold at Sheriff's sale. The balance of the assessment was then paid by an anonymous friend in John Nisley's name.

This historical outline should serve as sufficient introduction to the discussion which follows, which attempts to find in this case and the issues it raised a further understanding of its relations both to the law itself and to the clash between the law and the church. The intention is not so much to debate the merits of this particular case as by an anaylsis of it to clarify the law and its implications.

Two elements in the writer's own thought, which might limit the fairness of the presentation, must be admitted. The first is the conviction, grounded upon theology and confirmed by this study, that there is inevitably a clash between the law and any minority church whose beliefs involve ethical commitments. This clash is not due to an accidental misunderstanding but to a basic antithesis between the essential natures and intentions of the two social organisms. And secondly, I believe in avoidance. I cannot approve of this application of the *Meidung* to Andrew Yoder, nor unqualifiedly of the Old Order Amish pattern in general, but it seems utterly logical when an individual chooses to break fellowship with his brethren concerning the most basic possible issues, those dealing

with Christian ethics, that that breach must extend to other types of social intercourse of derivative value.

A great difficulty arises in the legal evaluation of this case because of its very uniqueness. As far as can be ascertained, there have been only two similar cases in legal history. The first, Liechty vs. Holdeman et al., was tried in Williams County, Ohio, in 1878, but was not known at the time this case was tried.[1] The second, very similar to the Wooster case, Gingerich vs. Swartzentruber et al., was tried in Holmes County, Ohio, in 1919. The latter was used in this case as a quite significant precedent. In each of those early suits the plaintiff won the injunction requested, and Liechty was awarded damages as well. The relevance of the Holmes County case as a precedent in the points of law involved in the Wooster case will be further discussed later.

Because of the poverty of legal precedents it was necessary, both in the plaintiff's pleadings and in the Charge of the Court to the Jury, to make use of numerous somewhat remote analogues. This discussion will therefore be forced to deal with such unrelated problems as labor boycotts, benevolent brotherhoods, and Mormon polygamy. As to the relevance of these parallels there is of course much question, but they constitute the closest approach to some of the problems that can be found in the law.

It must first of all be made clear that no questions of law were decided in this case. Matters of law were discussed in the plaintiff's pleadings, but naturally not in anything said by the Amish defendants, who spoke for themselves without legal counsel. The charge and instructions of the court to the jury defined the legal issues involved, paralleling to some extent the plaintiff's interpretation, and the jury decided only whether the defendants did conspire to deprive Yoder of any legal rights, which by the definitions already given was naturally a foregone conclusion. This analysis will therefore not concern itself with the jury's verdict, but will be confined to the legal questions underlying it.[2]

[1] John Holdeman, of Wayne County, founder of the Church of God in Christ, Mennonite, had excommunicated Joseph Liechty from a Williams County congregation which was under Holdeman's jurisdiction, on the charge of drunkenness. Liechty brought suit against Holdeman and several other members and officers of the church because his wife shunned him. He argued that he had already withdrawn from the church before he was excommunicated, and that shunning was not practiced by any Mennonites except Holdeman's "faction." *Williams County Civil Records,* XVII pp. 409ff.

[2] Much assistance in becoming acquainted with this case and its issues has been given by Judge Walter J. Mougey and by Charles C. Jones, to whom great indebtedness must be acknowledged. The fact that this study has led me to conclusions often in opposition to their analyses should in no wise be taken as implying any lack of integrity on their part or of fairness in the conduct of the trial. Although much

I. Was the excommunication valid?

First in logical order, though not in importance, this issue is the only one concerning which there was an unresolved contradiction as to the actual facts. Yoder held that the church had no legal right to exercise discipline over him, since he had voluntarily transferred his membership before any action was taken.[3]

. . . at the time of withdrawing his membership in the Old Order of the Amish Mennonite Church he informed the officers and members of said church that the following were his reasons for so withdrawing . . . :

1. That he was opposed to the rule of said church prohibiting the male members from wearing suspenders which contained rubber.

2. That he was opposed to the rule prescribing boycotting . . . .

3. That he was opposed to the rule . . . boycotting members of the church who refused to boycott . . . .

4. That plaintiff desired to purchase and own an automobile to afford transportation and facilitate his farming operations and to permit him to have transportation to take . . . his infant, crippled child for treatment. . . .

5. That by law plaintiff claimed he had a natural and indefeasible right to worship God according to the dictates of his own conscience and he desired to withdraw his membership . . . and that he desired to enjoy religious liberty. . . .[4]

Following his withdrawal, with no warning nor any opportunity to defend himself, he was illegally excommunicated and thereafter shunned.

The story of the defendants differs in one significant detail. They claim unanimously that after Yoder began to attend the Bunker Hill Church and before the act of excommunication they had visited him and requested that he explain his conduct to the satisfaction of the church.

We went and talked to him on the matter of his not coming to church, and as far as I recall he has not given (did not give) us any particular reason.[5]

Now when he was expelled was he given notice to appear and Defend himself?

Yes . . . .

was gained, by way of introduction to the case, from personal interviews with both these gentlemen and with one of the defendants, the attempt has been made to limit this paper, with few exceptions, to material which can be verified from the public record, either from legal documents and court records, copies of which are in the Goshen College Mennonite Historical Library, Goshen, Indiana, or from newspapers.

[3] "Plaintiff says that he was not expelled from membership in the old order of the Amish Mennonite Church, but withdrew his membership therefrom voluntarily, as aforesaid, and therefore says that the defendants had no constitutional or legal right to enforce Article 17. . . ."—*Petition of Plaintiff, First Cause of Action.*

[4] *Ibid.*

[5] John J. Nisley, *Argument to the Jury.*

After the four of you talked together then you decided that one or two or more of you Defendants deliver the notice to Andy?
That's right.
That notice was for Andy to appear at this meeting?
He was asked to come and explain. . . .
. . . did Andy come to any meeting to defend himself?
He didn't come. He was called to but didn't come.[6]

When after this request and possibly another notice he failed to appear to defend himself the action of the church was taken. At the time when he was asked for an explanation he mentioned neither that he needed an automobile for his daughter nor that he disapproved of shunning.

. . . what was the purpose of that visit?
It was our rule to have a conversation with him.
What did you say to him?
Well we told him we would like for him to stay with our church. We couldn't see any reason why he left.
Did he tell you he had to have a car to take his child to the doctor?
I don't think so.
Did he tell you then he didn't believe in the "ban" or "shun" or "boycotting" or "miting" other members?
I don't think so.
What did he say to you?
He said he was going and we should just do the best we can and that is what we did.[7]

You were being kind to him when you did not permit him to have a car to take his child for medical care?

I didn't know that. I never heard that until we heard that from Mr. Jones.[8]

Concerning a question of fact only the jury is legally competent to decide, and therefore it must be assumed that their decision for

[6] John W. Helmuth, under examination by George Barnard, Attorney for Plaintiff (associate of Charles C. Jones). Cf. also the Answer of Defendants: "He does not say what is true when he says he voluntarily took his membership away from the Church. He knows that he was asked to explain to the church why he stopped going to church services and no longer did what he was always taught to do by his parents. He knows that when he refused to account for his actions and was asked to explain and he did not say why he did certain things against the church's Confession of Faith that he was expelled from the church. We do not know why he says he was not expelled when he was asked to explain but refused and by regular church council for his misdeeds he was expelled."

[7] Isaac I. Miller under examination by Barnard.

[8] Nisley, *loc. cit.* This statement was repeatedly confirmed in the testimony. It would tend to indicate that the need of the car for the sake of the child, which happened to be the chief emotional element of the public's interest in the case, was not originally made explicit. And in addition, the need of transportation is no proof, among the Amish, of need to own an automobile. Cars may be hired, and if that be too expensive, "He knows that if he needed transportation to take him and his child to the doctor that we would have helped him just like we do in lots of cases. We always help each other because that is what the Bible tells us to do. He knows that is true, so why does he say that he could not take care of his child without owning an automobile." *Answer of Defendants.*

Yoder signifies acceptance of the claim presented in his pleadings, although the jury was not instructed that this was the issue of fact before them. Historically speaking, however, apart from the legal problem, it is not easy to reconcile Yoder's pleadings with his testimony under examination by his own attorney. Admitting that he had been visited by the defendants before purchasing the car, he said "I didn't tell them too much. I figured I was an average member of their church. Schlabach had talked with Helmuth and I took it for granted [from] what Schlabach brought back to me we were in good standing with the church. . . ."[9] This admission is actually extremely damaging to the factual claims made by Yoder in his petition to the court, for he here contradicts himself on the two claims on which his entire case was built; that he had made explicit the reason for his withdrawal, and that he had had no notice of the charges against him, nor opportunity to defend himself.

Beyond the issues of this particular case, the body of law as regards what constitutes a legally valid excommunication is quite extensive, but not completely clear in detail. It is clear that any religious body, acting through its constitutionally authorized tribunal, has final jurisdiction in matters of dicipline.

> Civil courts have no jurisdiction to review the action of competent church authority in expelling a member.[10]

This applies without much question to the Amish procedure of expulsion by the bishop, with the advice of the ministers, on behalf of the church, for that procedure has unquestionably been a part of the unwritten law of the Amish for over two centuries, and is certainly in that sense an "authorized tribunal." A church's rules need not be explicit in a written constitution to be valid.[11] The

[9] Andrew J. Yoder under examination by Jones. Compare this with what Schlabach himself "brought back." "I drove up to his residence and he was not home and I went to the neighbors where he was to see him personally. I set the question at him, to know the standing of Brother Yoder and to state if they were not in good standing. He didn't answer me when I asked him the first time so I asked him again and he didn't give me an answer and I asked him again, and if I remember right, after he didn't answer I put the pressure on and said I do want an answer to my question. If I recall, he told me if any member wants to leave his congregation he has that against him." Schlabach under examination.

[10] *Simpell v. Escher,* 11 Oh Dec (Reprint) 351, 26 Cinc L Bul 156. "An organization may make rules by which the admission and expulsion of its members are to be regulated, and the members must conform to these rules." 45 Am Jur 731; *Hundley v. Collins* 32 So 575. *Jones v. State* 44 NW 658, 7 LRA 325, *Nance v. Busby* 18 SW 874, 15 LRA 801; *et al. ad infinitum.*

[11] "When the constitution and bylaws of a church do not clearly determine the rights of parties at issue, the interpretation by the church itself, as disclosed by its own acts, will be adopted as the interpretation controlling the issue." 54 CJ 9, *Grupe v. Rudisill* 144 A 874.

requirements of previous notification and opportunity for formal defense, of which so much was made in the plaintiff's pleadings, are drawn from civil law, and apply to church discipline only by analogy and only when the church itself has no established procedure.[12]

There is, however, one limitation on the church's disciplinary autonomy, which was argued in this case, and which definitely exists in the law, even though to define it is very difficult, and even though under analysis it is not so severe a restriction as it at first might seem. That exception is the case where civil or property rights are involved.

> A civil court will exercise equitable jurisdiction in a church controversy for protection of a civil or property right, the jurisdiction to adjudge an ecclesiastical matter resulting as a mere incident to the determination of the civil right.[13]
>
> . . . the courts may grant relief in civil actions where religious practices or acts done pursuant to a religious belief result in a plain infringement upon a right guaranteed by the rules of civil law.[14]

This certainty notwithstanding, the statements of the requisite degree of involvement of such rights and the nature of legitimate legal review are nowhere adequately made explicit. First among the elements of confusion, the property rights concerning which the courts may interfere in church discipline do not give an expelled member any right to his share in the common property of the religious body if he has been legally expelled;[15] so that as far as con-

12 "Ecclesiastical questions belong to the ecclesiastical tribunals, and their decisions thereon are binding, conclusive, and not reviewable by the civil courts . . . regardless of whether the mode of procedure is in accord with the ordinary course of investigation or trials." 54 CJ 87, *New Concord First United Presbyterian Church v. Young,* 21 OhNPNS 569. "The conduct of a trial before an ecclesiastical tribunal depends upon the articles and bylaws of the society or congregation. *In the absence of provisions,* . . . a member . . . cannot be deprived of his rights and privileges without a hearing or trial upon adequate notice." 54 CJ 93 "Plaintiff . . . also has the right to withdraw from a church . . . *especially in the absence of any rule to the contrary." Kinkead, Decision* in case of Gingerich v. Swartzentruber et al., 22 OhNPNS 1, 30 ODNP 101. The qualifications in these citations would imply that where there is a rule, it stands.

13 56 FD 23, *First English Lutheran Church of Oklahoma City v. Evangelical Lutheran Synod of Kansas and Adjoining States,* 135 F 2d 701.

14 *Gingerich v. Swartzentruber.* ". . . but excommunication whether with or without authority cannot affect the expelled person's civil rights." 54 CJ 18. "Judicial interference is therefore warranted only when civil rights are involved and infringed by church action, or members of the church. The civil tribunal tries the civil right and nothing more." 100 Am St 714, Note.

15 "Generally, rights of religious society's member depend on continuation of membership, and on termination thereof his rights and beneficial interest in society's property cease and he has no standing to sue in relation thereto." 54 CJ 29; *Kittinger v. Churchill* 292 NYS 35, 51, 161 Misc. 3, 249 App Div 703: *et al.*

cerns the right of an individual to obtain judicial reversal of church action, his property rights are not too definitely helpful.[16]

The right to review when civil rights are involved is stated no less equivocally. Many statements of the church's autonomy neglect even to mention this limitation, and the courts will not always interfere to protect civil rights.[17] Nor are these rights themselves well defined. They do include the right to unhampered expression of one's religion so long as it does not harm others, and the right to dispose of property and otherwise carry on business, both of which were argued in this case.[18] They do not, however, include the right to associate in social or economic relations with others who are unwilling so to associate, which was in this case the only sanction employed.[19] It is not easy to see how any action

[16] "Courts are extremely loath to interfere with trustees' conduct of temporal affairs of religious societies at insistence of a small minority, since questions of church policy may be involved." 54 CJ 190, *Koch v. Estes* 262 NYS 23, 146 Misc 249. "Where controversies in the civil courts concerning property rights of religious societies of the associated class are dependent on questions of doctrine, discipline, ecclesiastical law, or church government, as a general rule the decision of the highest tribunal of the organization will be accepted by the courts as conclusive." *Barkley v. Hayes* 208 F 319. *Duvall v. Synod of Kansas of the Presbyterian Church* USA 222 F 669, 138 CCA 217, *Shepard v. Barkley* 38 S Ct 442, 247 US 1, 62 L Ed 939. ". . . the members are bound by these provisions (conferring power to suspend or expel) and cannot complain of a proper exercise of the power, even though in consequence their incidental property rights are forfeited." 10 CJS 288.. Furthermore, the courts so define their power of review as to indicate that they are more interested in protecting the group's ownership of the property than in limiting the group's right to take ownership away from expelled members: "Courts will intervene only to protect the temporalities of such bodies and to determine property rights." 54 CJ 189 *Ellston v. Wilborn,* 186 SW2d 662.

[17] "Courts of law in considering a civil right which is dependent upon an ecclesiastical matter will accept as final the decision of the legally constituted ecclesiastical tribunal having jurisdiction of the matter." 54 CJ 190, *Turbevill v. Morris* 26 SE2d 821. "If no property rights are involved there is no jurisdiction of the court to interfere in church matters." 54 CJ 189, *Odoms v. Woodall* 20 So2d 849. "In the absence of fraud, collusion, or arbitrariness, the decisions of the proper church tribunals on matters purely ecclesiastical, *although affecting civil rights,* are accepted in litigation before the secular courts as conclusive, because the parties in interest made them so by contract or otherwise." U.S. Supreme Court *Gonzalez v. Roman Catholic Archbishop* 280 U.S. 1, 50 S Ct 5, 7, 74 L Ed 131.

[18] "Civil liberty comprehends the rights of every person . . . to acquire and dispose of property by lawful means and for lawful purposes, and to pursue any lawful business, trade, or calling, in such manner as to him shall seem meet, provided only that he does not thereby offend against any superior social right, or the equal rights of other persons." 16 CJS 585. "Every individual has a natural and inalienable right to worship according to the dictates of his own conscience and reason and to be free from molestation or restraint in his person, liberty, or estate in such worship, provided he does not disturb others." 16 CJS 599.

[19] "The purely social relations of citizens are not regulated by the state and federal constitutions. While the Fourteenth Amendment . . . secures . . . equality of rights of a civil or political kind, it does not confer rights of a purely social or domestic nature." 16 CJS 581. "Constitutional guarantees of religious liberty are not violated by provisions in the constitution or bylaws of religious or fraternal societies which provide for the expulsion of members or the forefeiture of their rights for failure to comply with certain requirements as to matters of religious practice." 16 CJS 601. "The purely social relations of citizens cannot be enforced by law." 14 CJS 1161. It must unquestionably be admitted that Yoder's enjoyment of his rights was substantially modified by his severance of relations with the society

which modifies an individual's enjoyment of his rights can be illegal when it is enforced only by the entirely legal withdrawal by others of their intercourse.

This logical difficulty of defining wherein Yoder's civil rights are violated by the freedom of others to ignore him leads to an essential clarification of what the law means by civil rights. They are not primarily a restriction upon citizens; Andrew Yoder's right to buy and sell does not mean that I must sell and buy at his will. Civil rights are guaranteed against violation not by individuals, but by legislatures, and their statement is to guard against governmental interference with personal freedom.[20] There may yet remain grounds in equity (common law) for judicial interference in church discipline, but such grounds can not be found in the constitutional guarantees of civil rights.

There follows the question of what sort of review the civil courts have over matters of church discipline in the rare case where rights are involved. As far as can be ascertained, this right extends only to determination of whether the action of the church was regular and in accordance with the authorized disciplinary procedures of the church. The courts cannot decide whether the grounds for expulsion would be legally acceptable in a civil tribunal, but only whether they followed the rules to which members of the church were committed.[21] Thus the courts have the right to reverse the decisions of church tribunals only if they are in opposition both to the rules of the church and to the member's legal rights.

This extended digression has been inserted because of its bearing on the initial argument of the plaintiff that because his rights were involved the court could therefore rule on the validity of the expulsion. This claim of the plaintiff appears quite weak in

around him, but it can hardly be claimed that his freedom to do business and go to another church was taken away, for he did both those things for five years under the *Meidung*. All that was limited was the number of people with whom he could do them.

20 "A constitutional right differs from a right conferred by the common law or by statute only in the fact that it is guarded from any attack or interference by the legislature or any other governmental agent of the state." 16 CJS 578. "No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship, against his consent; and no preference shall be given, by law, to any religious society; nor shall any interference with the rights of conscience be permitted." *Constitution of Ohio, Art. I. Sec. 7*: "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof." *U.S. Constitution, Bill of Rights, Art. I Sec. 1.*

21 Cf. *note* #17 above. "A religious organization . . . is purely voluntary and one joining it submits himself to the disciplinary power of the body and his rights as a member are governed by the constitution and bylaws thereof and courts will not interfere unless the church authorities have proceeded contrary to the rules of the association in subjecting him to disciplinary penalties." 54 CJ 24, 163 P2d 44. It seems to be indicated that civil rights can be infringed, legally and without tort, if the infringement be committed according to the church's established procedure.

view of the difficulty of proving that any civil rights were illegally infringed upon, and the additional fact that at any rate the court could have ruled on the expulsion only if it had been contrary to Amish practice. But the entire issue is not strictly germane, since Yoder did not want the expulsion reversed in any case, but desired only to have its enforcement forbidden. Nor was this issue finally put before the jury.

In this regard the position of the plaintiff tends to waver between three arguments which are not strictly consistent. One is that avoidance itself, as practiced by the Old Order Amish, is an illegal violation of civil rights. This claim would of course make unnecessary any discussion of the validity of the excommunication. The second is the contention now under discussion, that the excommunication was invalid because Yoder had not been given the necessary notification and opportunity for defense. This of course would assume that a valid excommunication could legally be enforced by avoidance, thus destroying the first argument. The third approach is that no excommunication could be valid because Yoder had already left the church and there was therefore no disciplinary jurisdiction.[22] By this claim actually both the first two claims are abandoned.

It seems of course quite evident on first sight that once Yoder had left the Helmuth church, that church could hardly meaningfully expel him. The question which the plaintiff's argument failed to deal with, however, is whether Yoder had actually left when he began attending elsewhere. There is legal reason to maintain that a church may define the methods for effecting cessation of membership,[23] and that if the church did not recognize his withdrawal as valid, as obviously it did not, then that withdrawal was not effective as ending the church's jurisdiction over him.

Illumination of this issue can be gained from the precedent case tried in Holmes County a generation earlier. In that case, Eli Gingerich, the plaintiff who was being shunned, had received permission to leave from a preacher of the David Miller church, of which he had been a member, at the time of his withdrawal from that congregation. This preacher was no longer living at the time of the trial, and it is not clear whether he had participated in the

22 *Note* # 3 above. ". . . they, and each of them, then well knew that plaintiff had not been expelled from membership but had voluntarily withdrawn his membership from said church for good reasons: . . ." *Petition of Plaintiff, First Cause of Action.*

23 *Note* #10 above. "If, however, the rules of the association impose conditions on the right or mode of withdrawal, these must be observed in order to render the withdrawal effective." 10 CJS 288.

institution of the *Meidung*. This permission was made much of in the court's decision, as signifying that Gingerich's withdrawal actually was with the knowledge and consent of the defendants, who therefore had no further jurisdiction over him. The possibility was conceded that had there been some rule to the contrary, the consent of the preacher would have had no weight in constituting permission for withdrawal, and the defendants, retaining ecclesiastical jurisdiction, might then have been justified in application of ecclesiastical sanctions.

> In the absence of any rule forbidding a member to withdraw from the church with the consent of the "preacher," it must follow that plaintiff, at the time the ban was placed on him, was beyond the jurisdiction of the defendants. Plaintiff was wholly within his right when he withdrew. . . .[24]

Nowhere in the Holmes County case is the argument made that the *Meidung* is *in ipse* illegal, since the discussion was limited to the legality of this instance of applying it when there was no jurisdiction. This distinction of course markedly decreases the relevance of the precedent decision to the Wooster case, in which Yoder admittedly had no permission to withdraw.

II. May excommunication legally entail the *Meidung?*

The twin issues at stake in this general problem are perhaps those most truly essential to an understanding of the Amish and Mennonite religious position as dealt with by this case. Primary in the explicit statement by the Amish defendants was their conception of the church as based upon a covenant (one might even say contract) relation with God. If the church is the expression of that relationship, which is irrevocable because of the eternal nature of God as a party to the contract, the church is therefore entitled to act as an agency to enforce the terms of the agreement between each man and God, which in the case of anyone who joins the Old Order Amish church, includes the avoidance of those who leave the fellowship. And thus it was that the defendants, whenever during the trial they had an opportunity, repeatedly called attention to the fact that Yoder had with full knowledge agreed when he joined the group that he should be shunned if he should ever leave, regardless of the circumstances of that withdrawal.

> Each time I wanted to get out of this thing I run up against a wall, because when he was down on his knees—when we get down on our knees

[24] Kinkead, *Decision* cited above. "Plaintiff is entitled . . . to withdraw from a church and join another if he pleases, especially in the absence of any rule to the contrary." *Ibid.*

to be baptized, as he said yesterday, we don't go down for the fun of it. If this had been a brother sin between me and Andy Yoder I . . . might have gone half-way and he might have gone half-ways, but this was not promised to me. When he was on his knees he was not down on his knees to me. He was doing it to Almighty God and the church. He confessed all this to be right. We have explained to him. We have rules and regulations in our church . . . when he confessed and when he was baptized he confessed the same thing I did. He confessed to Almighty God, not to men alone. On his confession he was baptized.
. . . I don't feel to talk about the Helmuth Church, I don't feel to talk about this or that church, I am talking about Christianity.[25]

He made a confession—that stands before God. God said, "What you state before men is stated before angels in Heaven. What you reverse before men is reversed before angels in Heaven." He has not kept this saying.[26]

Well the beginning of it, he was not coaxed to join church but came of his own enjoyment. He wilfully came and he agreed to that, and he was given time when the Confession of Faith was read before he made his confession. And after that Confession of Faith was read he was given a chance to sleep overnight. He promised before he was baptized.
Because he joined your church you felt he had not right to leave it? He promised that.
You think that made him a bad member because he wanted to leave? Yes.[27]

Defendants believed him when he accepted the Confession of Faith and he knew when he accepted the rules of the church that if he would sometime do things against the Church and against what he first agreed to do that he would be expelled and the Ban put on him. He was old enough to understand what the Confession of Faith means and the church would never consent to have him leave the church.[28]

Viewed from this perspective, Yoder's action in the suit was therefore an attempt by law to force the church to break the covenant which he had made with God, and which the church was of course powerless to break, since the covenant was not made with the church, but with God. Whatever might be the legal status of such an argument, the fact is clear that it was the central theme of the

25 Nisley, *Testimony.*

26 Helmuth, *Argument to Jury.*

27 Helmuth under examination by Barnard.

28 *Answer of Defendants.* "We take our members in church as follows, the applicants are under probation for a time, the day before they are baptized all the articles in our confession of faith are read and explained to them, they then have until the following day to meditate thereon, then if they confess that they are willing to live a life according to our confession of faith and church ordinance they are then baptized and taken into church as full members. . . ." *Answer of Defendants* in Gingerich v. Swartzentruber case.

". . . you knew he couldn't have dealings with, drink with, eat with, or have any social or business connection with any member having your belief?"

"I would say that Andy Yoder knew that when he made the confession to the church. If he left our church he knew that. . . . He has promised what he promised and he has confessed the eighteen articles in the Confession of Faith. We have not gone after him. He has come willfully and all that. As I said, he was baptized in the name of the Father, Christ, the Son of God, and the Holy Ghost." Nisley, under examination.

defense of the Amish, and that it was never recognized or dealt with by the court, nor in the plaintiff's pleadings or brief.

There does exist, however, considerable support in law for the parallel thesis that Yoder could have been considered to be bound to an acceptance of whatever the church membership and discipline entailed, due simply to his witting and willing entrance into the obligations and benefits of membership.

> . . . the individual members . . . will be held to be bound by the laws, usages, customs, and principles, which are accepted among them, upon the assumption that in becoming parts of such organisms they assented to be bound by those laws, usages, and customs, as so many stipulations of a contract between them.[29]
>
> All who unite themselves to such a body do so with an implied consent to this government, and are bound to submit to it. But it would be a vain conceit and would lead to the total subversion of such religious bodies, if any one aggrieved by one of their decisions could appeal to the secular courts and have them reversed.
>
> In the absence of fraud, collusion, or arbitrariness, the decisions of the proper church tribunals on matters purely ecclesiastical, *although affecting civil rights,* are accepted in litigation before the secular courts as conclusive, because the parties in interest made them so by contract or otherwise.[30]

Therefore to consider the relation of membership as the law must, in contractual terms, Andrew Yoder was suing the church for consistently applying a forfeiture clause in a contract which he had freely made (in awareness of the existence of a forfeiture clause) and had intentionally broken. To speak of spiritual fellowship in these terms is near-sacrilege, but if the law is to deal with such matters the contractual parallel is its only resort.

The second related Mennonite emphasis, not explicitly stated but more deeply implicit in the entire controversy, is the simple insistence that religion must be consistently expressed in life, and that there can be no division between belief and practice. This principle, whose possession in theory is by no means uniquely Mennonite, receives a degree of support by law,[31] but is not, and in fact cannot be, ultimately accepted as a judicial postulate.

[29] 54 CJ 17, *Louisville First Presbyterian Church v. Wilson,* 14 Bush (Ky.) 252.

[30] *U.S. Supreme Court,* cited in *Turbevill v. Morriss* 26 SE2d 821; *Watson v. Jones* 13 Wall 679, 727, 20 L Ed 666. (Italics mine.) Cf. the quotation in Note #21; *et al.,* including: "When a person becomes a member of a church, he thereby submits to the ecclesiastical jurisdiction in ecclesiastical matters and he has no legal right to invoke the supervisory power of a civil court. . . ." 54 CJ 87, *New Concord First United Presbyterian Church v. Young,* 21 OhNPNS 569. "Person who assumes relation of member of a church voluntarily covenants to conform to its canons and rules and to submit to its authority and discipline." 54 CJ 61, *Marsh v. Johnson,* 82 SW2d 345.

[31] "Although perhaps theoretically it is separated from the affairs of this life, practically religion is not so clearly separated." *State v. Amana Society* 132 Iowa 304, 109 NW 894, 8 LRANS 909. "Morality describes the duties to man, which true

The reason for this is quite evident. The intent of law is to regulate social behavior in the interest of relative stability and justice. Therefore the same government which preserves man's right to think as he pleases must restrict the right to act by the same standard, and the connection of ethics to religion which is mandatory for the Christian is impossible for the law.

Laws are made for the government of actions, and while they cannot interfere with mere religious belief and opinions, they may with practices.[32] . . . it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order . . ."[33]
. . . religion is a matter which lies solely between man and his God . . .the legislative powers of the government reach actions only, and not opinions. . . .[34]

This conflict is no circumstantial accident, but rather the logically inescapable concomitant of the disparateness of the two levels of human activity.

This valid legal position, however, was supported in the Wooster trial by a parallel whose relevance is open to a degree of question. The case of Reynolds vs. U.S. is a classic test case on the extent of religious freedom as opposed to the law. In that case,

religion always influences." *Cline v. State,* 130 P 510, 45 LRANS 108. "Religious Principles; Those sentiments concerning the relation between God and man which may influence human conduct." CJ; *State v. Powers* 14 AmSR 693.

[32] *U.S. Supreme Court, Reynolds v. U.S.,* 98 US 145, 165.

[33] 12 *Hen Stat* 84.

[34] Thomas Jefferson, 8 *Works* 113. This principle was stated by the judges in both *Meidung* cases. "Courts may grant relief in civil actions where religious practices or acts done pursuant to a religious belief result in a plain infringement upon a right guaranteed by the rules of civil law." Kinkead, *op. cit.,* citing *Matter of Frazee,* 63 Mich. 396, 6 AmSt 310: "There is no legal authority to constrain belief but no one can lawfully stretch his own liberty of action so as to interfere with that of his neighbors, or violate peace and good order. The whole criminal law (and civil law) might be practically superseded if, under pretext of liberty [of conscience], the commission of crime is made a religious dogma. It is a fundamental condition of all liberty and necessary to civil society, that all men must exercise their rights in harmony, and must yield to such restrictions as are necessary to produce that result."
"I am of the opinion the line of legal demarkation as to right of fredom of religion . . . can be ascertained through a proper conception of the nature of both belief and practice . . . a man may believe whatsoever he chooses no matter how crude . . . and may practice such belief so long . . . as he does not affect public welfare or . . . individual civil legal rights of another. When he does so by such practice the law steps in . . . ." Walter J. Mougey, Common Pleas Judge, letter to Wm. F. McDermott, columnist in Cleveland Plain Dealer, Cleveland, Ohio. ". . . no person or persons have a right to interfere with the civil rights given and guaranteed under the law to any other person and claim immunity thereby under the practice of a religious belief, and it consequently follows in law that when anything is practiced by reason of a religious belief which interferes with or denies the civil rights of the individual given and guaranteed by the Constitution of our Country and State, and their respective laws, such practice is unlawful. . . . Each and every individual is entitled to his own belief no matter what it is, and he may practice it insofar as it affects himself only, but he has no right under the law, to put such belief into practice, even though it be a religious belief, if such practice is against the public welfare or denies to another (his) civil rights. . . ." Mougey, *Charge of the Court to the Jury.*

polygamy was defended as being practiced as a part of the Mormon religion, and the courts held that: (1) the legislature had the constitutional right without violating the Bill of Rights to declare polygamy a crime,[35] and that (2) polygamy being a crime, the commission of it could not be excused on the grounds that it was religiously motivated.[36] The former ruling of course does not apply to this case, as there has never been a law forbidding shunning which is older than the United States; and the applicability of the latter is notably weakened by the fact that it deals with a crime under civil law, whereas the present case is a question of tort under the common law, and even the existence of tort is questionable when Yoder had agreed in advance that it should be committed.

The essential Christian contention that religion must influence life is relevant to the Yoder suit in a more direct way than through its connection to the use of religion as an excuse for crime, for the very philosophy of the *Meidung* itself is an extension of that view. If the Amish religion influences life, and if the members of the church at the same time make up the local society as is the case in a solidly Amish community, then that society is indistinguishable from the church, and the social and economic relations of the members are as religious and as subject to ecclesiastical regulation as their worship relations. When therefore a member severs his relation with the church he at once breaks fellowship with the society, and the institution of the *Meidung* is merely the formal recognition of that breach, as extending into all of life. From this viewpoint it is immaterial by what means the break came about, for it remains, however it may have happened, that Yoder wanted to leave the group, that the group therefore consistently excluded him, that he was offended because they consistently extended the spiritual breach into the material world, and that he therefore sued the church for not being inconsistent. I am led to agree with the Amish that Yoder was free to be a member of the church, and he was free not to be a member of the church, but he cannot claim the freedom to be at the same time both a member (economically) and not a member (religiously); for participation in the Christian social fellowship is not thus divisible.

[35] Congress was deprived of all legislative power over mere opinion, but was left free to reach actions which were in violation of social duties or subversive of good order. . . . In the face of all this evidence it is impossible to believe that the constitutional guaranty of religious freedom was intended to prohibit legislation in respect to this most important feature of social life." *Reynolds v. U.S.*, cited above.

[36] "Evil acts dangerous to public and individual welfare, though sanctioned by religious concept may be forbidden, punished, or prohibited." Kinkead, *op. cit.*, citing *Bloom v. Richands,* 2 OS 387.

There is in this argument a healthy corrective to recent democratic super-individualism. For it is inherently fallacious to define individual freedom as unlimited by group obligations. One may choose as he will to be Amish, or a Mason, or a union member, or an American citizen, or not to be; but once that choice is made some other things are settled; one is no longer free to reject the consequences which his choice entails. He cannot be a citizen without the responsibilities therein involved, nor an alien with the advantages of citizenship. And there can be nothing illegal about so purely logical a limitation of freedom, for the postulate that a thing cannot at the same time be and not be is simply a cornerstone of sane thought.

It was this attitude toward freedom that led the Amish so assiduously to avoid admitting under examination that the practice of shunning was mandatory upon members of the Amish church, and that John Hostetler and Sol Schlabach were shunned in turn for their refusal to shun Yoder.

Did you talk to John Hostetler, a member of your congregation, about having dealings with Andy Yoder?
I believe I did. . .
Did you tell him if he kept on having dealings with Andy Yoder you would put the "shun" on him too?
No.
Didn't you after that put John Hostetler out of your church for a while because he did have dealings with him?
No sir.
Do you mean to say that John Hostetler was never put out of your congregation because he had dealings with Andy Yoder?
Not for that.
He was put out?
Yes.[37]
. . . did you order other members of your church to have nothing to do with Andy Yoder?
I could not remember now that I done this just on this account.
Now you four defendants discussed the "banning" of Sol Schlabach?
Yes, but not for that purpose. . .
It was just a coincidence that he was "banned" because he was caught neighboring with Andy?
Not the reason. . .
If Mr. Schlabach and Mr. Hostetler and Dan Yoder . . . say in the course of the trial that you four men told them they should not deal with Andy Yoder in any way, they would be telling the truth, wouldn't they?
We have told the church to keep this "ban," and it is to bring him back. . . .
Wasn't it at your home when you told them that now that Andy had sued they must quit dealing with him?
"Must"?
Maybe you said it in German. You told them if they didn't quit dealing

[37] Helmuth under examination.

with Andy you would "ban" them. They told you they wouldn't quit dealing with Andy and you "banned" them?
Not on that account . . . it was absolutely not the main reason.
You did tell your congregation that they had to carry out this "ban"?
Not "had to." That they should—we understand it that way.[38]
Did you go on one occasion to church . . . and this matter of "miting" of Andy was discussed with you?
Yes. . .
What did they say?
They talked it over and tried to explain, and said that if we would see fit, to "boycott" them . . .
Did they ask that you promise that you would "mite" Andy Yoder?
I can't say the words—that was the idea.[39]

This is, in effect, a refinement of what has above been stated: A man is free to choose to become a faithful member of the church; if he so chooses he is of necessity committed to shunning, but that necessity remains ultimately free because of the initial freedom to become a member, and the continuing freedom to cease to be one; if he does not wish to shun, he is free to refrain, but cannot then honestly claim to be a faithful member;[40] and if he is then in turn shunned it is for his decision to cease to be a member, and not for his failure to shun. All of this may perhaps be too philosophically involved for the courts to deal with or the newspapers to understand, but the logic of it seems inescapable, and in no wise a violation of man's essential freedom. The only limit to the exercise of that freedom is that there are strings attached to membership in a group, and without strings there could be no society.[41]

[38] Nisley under examination.

[39] Sol E. Schlabach under examination.

[40] In the case of at least one of these men, there were other offenses involved, in addition to failure to shun. Whether this was true also of the others cannot be ascertained, nor is it important, as the remainder of this paragraph will indicate. "The Amish interpretation is that 'if any one willfully keeps company with such whose company is forbidden in Scripture, to be kept, then we must come to the conclusion that he despises the Word of God, yes, is in open rebellion.' Just as most Christians will not enter a saloon and cut capers with an imbiber so the Amish think that eating with a man such as Yoder would disgrace themselves in the eyes of God and would imply that they approve of inconsistent Christian living. Only those 'Who hear, believe, accept and rightfully fulfil' the teaching of God's Word should mingle with each other." Ford Berg, *United Evangelical Action*, Dec. 1, 1947, VI, #20, p. 7.

[41] An interesting parallel in this connection: "It is hardly worth while to censure communities which were establishing, or seeking to establish, a strong religious state because they were intolerant. Tolerance is not, and never has been, compatible with strong religious states. The Puritans of New England did not endeavor to force their convictions upon unwilling Christendom. They asked only to be left in peaceful possession of a singularly unprolific corner of the earth, which they were civilizing after a formula of their own. Settlers to whom this formula was antipathetic were asked to go elsewhere. If they did not go, they were sent, and sometimes whipped into the bargain—which was harsh, but not unreasonable." Agnes Repplier, *Under Dispute*, pp. 8, 9.

III. Is the *Meidung* legal?

Whether shunning by a group is by nature lawful, the law has little precedent to determine, except in the analogous problem of boycotts in labor disputes, which cannot by their nature fully apply. Whereas a labor boycott is applied to a party to whom the boycotters' relation is one of conflict, with the intention of prevailing in that conflict at the cost of the party boycotted, in the case of shunning the person shunned is an unfaithful member of the group, who has not always been an economic rival, with the intention of benefiting that member by making him aware of what was involved in his severing of fellowship with the group, and with no intention of coercing him against his will, if he does not honestly change his intention. And whereas in a secondary boycott an unrelated third party is threatened with boycott should he deal with the boycotters' opponent, in the analogical Amish situation the third party is also a former member of the group, and therefore his relation to the group is actually not as a third party but as another second party, whose status is dealt with in its own right and not as a part of the former conflict. Nevertheless, these and other differences notwithstanding, boycott law is the closest point of departure for attacking the problem.

It is universally agreed that any one individual is completely free to withdraw all business or other intercourse from anyone else, at will, without violating any rights.[42] It further follows from this that any number of individuals may likewise freely and independently of one another withdraw their patronage or association as they may wish. The complications arise when that withdrawal is organized and directed toward an intended coercive effect upon the party boycotted. At this level there is an indeterminacy as to whether the words "conspiracy" and "boycott" in themselves refer to illegal acts, or whether such combinations are illegal only when the acts co-operatively committed are themselves illegal.[43] Though these issues remain unresolved, the tendency

[42] ". . . one who is under no contract relation to another may freely and without question withdraw from business relations with that other. This includes the right to cease to deal, not only with one person but with others . . . who by their patronage aid in the maintenance of the objectionable policies. *Parkinson v. Building Trades Council,* 98 P 1038.

[43] Note the disagreement: ". . . even though acts . . . are not actionable when done by individuals they become so when they are the result of combination . . ." 8 OJ 48. "Even though certain acts, considered by themselves, may . . . be regarded as the exercise of the ordinary rights of a citizen, the same acts, when taken in connection with the object and the time, place, and circumstance of the occurrence, may be component parts of a plan or scheme whose unlawfulness permeates every single step of its progress." 24 OJ 671. "Accurately speaking, there is no such

seems to be toward permitting primary boycotts if the methods be legal and the grounds for dispute valid,[44] and toward outlawing secondary boycotts applied to non-interested parties.[45] The entire subject in its present undecided state is best typified in the final citation on the subject in the plaintiff's brief; "Assuming that unlawfulness inheres in the term, boycotts are obviously illegal." Thus nothing more final can be said as to the charge that "the defendants wilfully, intentionally and maliciously entered into a secret combination and conspiracy between them with intent to mite or boycott and injure plaintiff . . ." except that the element of secrecy cannot be proved, and the intent to injure probably not,[46]

thing as a civil action for conspiracy. The action is for damages pursuant to a formed conspiracy." 11 Am Jur 577. "If the act done is lawful, the combination of several persons to commit it does not render it unlawful. In other words, the mere combination of action is not an element which gives character to the act. It is the illegality of the purpose . . . or of the means used in furtherance of the purpose, which makes the act illegal." *Lindsay & Co. v. Montana Federation of Labor,* 96 Tac 130. "On the inherent unlawfulness of the term, however, the courts are not wholly agreed." 24 OJ 669.

[44] "Primary boycotts for legitimate purposes and employing no illegal means are not actionable even though injury results." 15 CJS 1016. "The damage to the business of persons subjected to such a primary boycott, lawfully conducted, is one of the inconveniences for which the law does not afford a remedy." 31 Am Jur 958.

[45] "Whether a labor union may, as a means of bringing pressure to bear on the other party to an industrial dispute, notify third persons that their patronage of such other parties will cause them to lose the services of patronage of the members of the labor organization is a question of considerable difficulty and one upon which there are differences of judicial opinion. The view now prevailing in most of the courts of this country is that the secondary boycott may not lawfully be employed in a labor dispute. And this is the view adopted by the majority of the cases in Ohio." 24 OJ 676.

[46] "In any event, an act lawful in an individual may be the subject of civil conspiracy when done in concert only when a direct intention exists that injury shall result . . ." 11 Am Jur 579; "An essential element of a boycott is an intentional injury to someone." 31 Am Jur 958. "There can be no dispute that defendants ordered the ban . . . in good faith and without malice." Kinkead, *op. cit.* "We know that boycotting is strictly against the laws of our state and let me assure you it is also strictly against the rules of our church. The difference between shunning and boycotting is as big as the difference between day and night. . . . The shunning is not done or meant, for anything mean, but it is only done according to scripture. . . . Please bear in mind that this shunning does Mr. Yoder no harm. We will help him at any time and with anything that he needs help with." Emery Weaver, letter to Wm. F. McDermott.

"What do you call the ruin of a man?"
"The way you *claimed* we shunned Andy."
"Haven't you ruined Andy?"
"It is just the way of shunning." *Nisley under examination.*

"What they claim we are doing wrong it is not my intention to do him wrong—only that commandment, 'for the good of his soul.' Because it is stated in the Bible—if it was not stated in the Bible I would say *not* because it would be against my flesh to do as it asked for. But if we got down to the real love of members of the church, like them that were expelled from the church we feel it is our duty to do it to bring him to repentance." Nisley, *Argument.* The fact that the intention of the *Meidung* is spiritual benefit for the one shunned is the reason it must continue for life. The alternative intent, which might actually replace the redemptive purpose in practice, and which prevailed in the interpretation of the court and the plaintiff, that of vengeance or punishment, would of course involve time limits. "From my reading of your church regulations and after talking with a good many members of the Amish faith, I feel that your church would have the right to terminate the miting against

and it is not certain whether the rest of what was done was illegal, since certainly no methods illegal in themselves were used, and there was a valid dispute.[47]

IV. By whom was the offense committed?

One of the major concerns of citizens whose knowledge of the case was secondhand was that they feared an interference of the state in church matters. This was patently also the contention of the Amish. Both Attorney Jones and Judge Mougey repeatedly reassured questioners by explaining that the suit was not against the church, but against four individuals in the church, and this quieted their fears.

> The instant case was not one against a church or a church congregation. It was one against four individuals jointly for their acts in common. It was not one to regulate church ritual or belief in a religious creed, nor did it in any way attempt to interfere with religious worship of the individual.[48]

No effort was made during the trial, however, to refute the Amish contention that the church was involved in the trial as well as in the shunning, and the burden of proof still rests with those who say that the church was not sued.

To sue the leaders of the church is the only method available in law to sue an unincorporated religious body, which an Amish church is.[49] Thus the distinction between a suit against the leaders and one against them in the name of the church is, if not false, at best legally meaningless; for in the plaintiff's petition the leaders were identified by their church offices, and the act for which they were sued was one taken as leaders of the church in the presence of the church on behalf of the church with the authority vested in them by the church, ratified by the church and reversible only with the consent of the church, and would have been meaningless except for its application by the church.

> Is there a trial or hearing open to the members of the church where a member about to be expelled may appear and defend himself?

Mr. Yoder at this time. It is the fact that he has been mited now for over five years and it would seem to me that he has been punished more than necessary and has been greatly damaged. . . ." Charles C. Jones, letter to defendants, attempting to reach settlement without litigation.

47 "The courts which regard the boycott as illegal do so on the theory that there is no valid trade dispute, while those courts which regard it as legal do so on the basis that there is a valid trade dispute. For in either event a valid trade dispute is essential to the validity of the boycott." 24 OJ 671.

48 Mougey, letter to McDermott.

49 "Unincorporated religious association has no legal existence, and cannot sue or be sued in its own name." 54 CJ 209, *Hunt v. Adams* 149 So 24. "If unincorporated, the individual members may be sued collectively, or . . . one or more may be sued and may defend for the whole, . . ." 54 CJ 99.

Open Council to the church.
. . . you have an open meeting of the members of the church first, before you expel him?
. . . Regular church
. . . the whole church has a meeting to consider it?
Yes. . . .
That was what the four of you decided?
Not just us four, that was in church.
Now you had a meeting first before you sent him the notice, is that right?
Right in the church.
What do you call a Council?
The opinion of the church.
You mean the four men?
No, of the church.
Of your congregation?
Yes.[50]
Now we have done all this through Council of the church.[51]

The only sense in which a distinction such as this between the men and the church would have legal weight would be in its application to an abuse by the leaders of the prerogatives of their office. That might have been argued in this case, but it was not,[52] and had it been argued the place for the trial would be the higher tribunals in the Amish church, which were consulted in both the Yoder and Gingerich cases, and sustained the actions of the bishops in both[53].

[50] Helmuth, under examination.

[51] Nisley, *Argument.*

[52] Except perhaps in the Charge to the Jury, where it was given as legal explanation rather than as argument. "It will be noted in the said sections of the Confessions of Faith relied on by the defendants, as part of their defense, that nowhere therein is it stated, as shown by the evidence submitted, that the bishops ministers, deacons, or any other officer of the church congregation are thereby given any authority or power thereunder to enforce said sections of the creed. It appears to be addressed to the conscience of the individual members of the congregations. Such being the case, the officers . . . have no granted right or authority thereunder to exercise control and discipline a member on their own authority. That is left solely in the hands of the members of the church congregation acting as individuals. Therefore, . . . plaintiff had a legal right to withdraw . . . ."

[53] "After that (the expulsion) we had things come up in church that were heard. We asked one bishop, and they asked one bishop, and they two choosed one, and this thing about Andy's case came up, and they have not changed [did not change] it. They left it as we considered it." Nisley, *Argument.*

"After the plaintiff had neglected our church, he was placed under the ban. Some few of our church members seemed to be dissatisfied and thought the plaintiff was not treated fairly, so the church with a full vote, agreed to call a committee of three, from Indiana two Bishops and one Elder [sic] to investigate and arbitrate the matter, and the plaintiff and all members were invited to be present and take part if they so desired. Said committee, after hearing both sides, sustained the Ban on the plaintiff, approved with a full vote from the members present.

"On or about Oct. 24, 1917, there was a General Conference held in Holmes County, Ohio, with about eighty bishops, elders, and deacons present, and this same matter of the plaintiff was submitted to the General Conference of the church. After careful consideration it was approved and [decided that] all matters connected with plaintiff and discipline of the church were used by the directors of the church under its rules and regulations, and whatever discipline was imposed on the plaintiff was done in good faith and a matter of duty under the rules and regulations of the church." *Gingerich v. Swartzentruber, Answer of Defendants.*

V. Additional relevant considerations.

The case of Gingerich vs. Swartzentruber cited above was extensively similar to the Wayne County suit in most of the historical particulars. Gingerich had left the Old Order church to attend the Martins Creek Amish Mennonite congregation and later to assist in organizing the Bunker Hill Beachy Amish church which Andrew Yoder joined. Gingerich's brother Menno, who testified in the Yoder trial, is still being shunned for his failure to shun him, and Bishop Helmuth was active in seeing that shunning was carried out when Menno moved into Wayne County.

Damages were not awarded in the earlier case, although monetary relief was prayed for by the plaintiff. This does not, however, signify an adverse decision by the court as to the allowability of damages, since the plaintiff in his testimony, in response to the charge that the trial was a money-getting venture, unintentionally made what amounted to a withdrawal of his plea for damages. The question therefore received no more attention from the court.

The defendants were represented by attorneys Wm. E. Weygandt and George Sharp. There is, however, little evidence of the assistance of counsel in drafting their pleading, which was simply a quotation of the Dortrecht articles XVI-XVII. The only contention dealt with in the decision that gives indication of having been argued by legal counsel is the claim that no evidence existed that anyone had refused to work for the plaintiff. The court denies the weight of this argument, saying "Plaintiff knew full well how useless it would be to ask neighbors . . . to assist him . . . ," but the matter is not that easily dealt with, in view of the general agreement of testimony in both cases that it is possible for a shunned farmer to get help if he requests it.[54]

The decision was appealed by the defendants, but the bill of exceptions was so general that it is impossible to tell whereon they would have based their case in a new trial. The appeal was later dropped at their request.

A difference that might be more significant, were the facts available, was that, according to the pleadings of the plaintiff, there was disagreement in the church at the time of the decision to impose the ban on Gingerich. The wording of the petition would by itself give the impression that the use of the ban was an original idea of

[54] "We further say that we do not know of a single member of our church that refused to help or assist the plaintiff in threshing or any such work that a certain amount of help was necessary for a short period. When asked for by the plaintiff we would not allow any of our members to refuse to assist the plaintiff in such work herein mentioned and they would not take any pay for their labor." *Ibid.* "In answer defendants say he knows that none of the members should refuse to help him." *Yoder v. Helmuth, Defendants' Answer.*

the defendants, and Gingerich was shunned because he rejected the innovation. This historically impossible interpretation must have been the result of an attorney's misunderstanding.

* * * *

One of the grounds for damages in the Yoder case was the contention that the defendants had attempted to break a lease between Andrew Yoder and his father Joseph Yoder, under which Andrew was working his father's farm. Although the evidence does not prove that Joseph was actually commanded to break the lease, the argument seems quite sane. The law, however, does not sustain it. "A civil action for conspiracy will not lie for merely inducing another to break a contract unless direct fraud or coercion is used, and for that the remedy is by action on the contract."[55]

A second basis of the plea for damages was the charge that Yoder's reputation was harmed by his excommunication, since excommunication is accompanied with a sense of social opprobrium. This also seems quite sensible, but if the excommunication was not fraudulent the charge cannot stand. There is no actionable libel in the promulgation of a lawful excommunication. If the excommunication was wrongful there could of course be weight to this charge.[56]

There remains for consideration one idea of Attorney Jones, hinted at by George Barnard in his cross-examination, that because the 1921 "Statement of Fundamentals" of the Mennonite Church mentions "wholesome discipline," Article XVII was thus repealed by implication. Nothing was done with this argument in the trial, and it probably would have carried little weight, since the Garden City conference of 1921 was not connected with the Amish.[57]

[55] 15 CJS 1021. "In trespass against bishops of a church for expelling plaintiff from membership, where damages were sought because such expulsion caused plaintiff's father-in-law to break a contract he had with plaintiff, the injury was not one for which redress could be had in civil court. *Kaufman v. Plank,* 214 Ill A 290. Kaufman had apparently been expelled for relations with "non-Amish," and his father-in-law had consequently felt bound to break the contract. Even if the expulsion had been wrongful, as Kaufman claimed, the court held that the matter was not under its jurisdiction, since no right was involved. The testimony of the defendants in the Wooster case was that they never asked that the lease be broken. "We did not tell him he had to,. . . . He volunteered this to us, he said, 'There will be a change made after the contract runs out.'" Miller, *Testimony.*

[56] 54 CJ 18. "Damages cannot be predicted on expulsion in accordance with the rules of the association." 10 CJS 316. "He has no right to recover for loss occasioned by the expulsion *per se,* independently of its wrongful character, such loss being *damnum absque injuria.*"

[57] "The repeal of a statute is implied when the intention to repeal is inferred from subsequent legislation . . . difference . . . does not necessarily call for a repeal . . . unless the two are so clearly inconsistent and repugnant that they cannot . . . be reconciled. (It is essential) that the repugnancy . . . be irreconcilable, . . . necessary, clear, obvious, direct, strong, and absolute. . . . Repeals by implication are not favored and have even been declared to be 'abhorred' . . . only obtain where such seems to have been the obvious intention of the legislature." 37 OJ 397ff. The Garden City Conference hardly intended any such irreconcilability between their "Fundamentals" and the Dortrecht Articles.

RESCUED DOCUMENTS RELATING TO THE HISTORY AND GENEALOGY OF THE MENNONITES OF FORMER WEST PRUSSIA

Gustav Reimer

For the sake of public record and on behalf of Mennonite historical scholarship, I submit herewith a report of the documents relating to the history and genealogy of the Mennonites of West Prussia which I was able to bring with me on the flight from Marienburg, West Prussia, to the British Zone of Germany in the late winter of 1945, and which are now in my possession.

I. *Church Records*

Some time before our flight I was compelled to surrender to the *Landratsamt* in Tiegenhof, West Prussia, the following *Kirchenbücher* (Heubuden):

Band 1	Geburts-Heirats-und Sterberegister	1772-1815
Band 2	Geburts-Heirats-und Sterberegister	1816-1867
Band 3	Geburts-Heirats-und Sterberegister	1868-1900

If the Landratsamt sent these books to the *Kirchenbuchamt* in Danzig, they should be safe somewhere in Germany. Inquiry should be made at the office of the *Danzig Evangelischer Konsistorium* in Luebeck.

Elder Bruno Ewert of the Heubuden Church, (now in Uruguay), buried the following church books before his flight to Denmark: (1) *Taufregister 1770-1944;* (2) *Geburts-Heirats-und Sterberegister 1900-1944.* I have complete copies of these two volumes. The following originals are in my possession: (1) *Gemeinde-Familienbuch,* begun in the year 1888, containing a complete register of members of the congregation with residence, and dates of birth, baptism, marriage, and death; (2) *Geburts-Heirats-und Sterberegister* from 1934 on. (No record was kept 1913-1933). I have a copy of the *Taufregister der Grosswerdergemeinde 1782-1840* (the original of which is in the Danzig *Staatsarchiv Abt.* 358, *Nr.* 183) together with *Anhang der Lehrer und Diener Wahl.* This book contains records of the congregations now called Rosenort, Tiegenhagen, Ladekopp, and Fuerstenwerder. A portion of this record was published by me in the *Menn. Blaetter* under the title "Ein aufgefundenes Kirchenbuch,"

I was able to save a considerable amount of genealogical material among which are the following items:

1. A typewritten volume in two parts, the first part containing the "Special Consignation" of all the Mennonite families in West Prussia alphabetically arranged by my son Gustav Reimer (published in the *Mitteilungen des westpreussichen Geschichtsvereins).* The second part containing the "General-Nachweisung" of 1789, alphabetically arranged by Franz Harder, copy made from the original in the *Geheim-Staatsarchiv* in Berlin.
2. Manuscript, *Stammbuch der Familie Fieguth 1707-1910.*
3. Manuscript, *Gesammelte Familien-Chroniken und Familienregister,* in two volumes.
4. Manuscript Family Trees.
5. Genealogical Lists from the "Fritz van Bergen Kartei."
6. Manuscript, *Familienchronik von Frau Marie Wiehler geb. Hoemsen, Gr. Röbern.*

Details of items 3, 4, 5, and 6 are given below.

I also have complete manuscript minute books of the Konferenz der Ost- und Westpr. Mennonitengemeinden and of the Heubuden congregation.

Contents of item # 3, *Gesammelte Familienchroniken und Familienregister*

Band I:

1.	Behrends'sche Chronik, aufgestellt von Joh. Behrens, Rosenort	S. 1- 66
2.	Aufzeichnungen von Johann Esau über seine Mutter Helene, geb. Penner	S. 68
3.	Driedger'sche Chronik (ab 1668) v. Cornelius Driedger (published in *Sonderheft 3 des Menn. Geschichtsvereins*)	S. 69
4.	Peter Braun'sche Chronik aus Heubuden	S. 75- 79
5.	Johann Claassen'sche Chronik aus Heubuden	S. 80- 83
6.	Genealogie des Cornelius Andres v. Koczelitzke, von David Claassen	S. 87- 89
7.	Familien-Chronik des Bastian Esau-Rosenort, geb. 1672, sowie Jakob geb. 1704 und Derk Reimer, geb. 1749	S. 90- 91
8.	Familien-Chronik des Peter Esau-Petershagen geb. 1700	S. 92
9.	Familiien-Chronik des Abraham Penner-Schroop geb. 1749	S. 93
10.	Familien-Chronik des Nikolaus-Sebastian Esau, geb. 1747, Aron Esau geb. 1781, Dirk Esau geb. 1752, Duerk Enz Kl. Lichtenau geb. 1765, Joh. Esau geb. 1791	S. 94-101
11.	Familien-Chronik der Familie Wiebe, Schönhorst, 1686	S. 102-110
12.	Lebensbeschreibung des David Mandtler (published in *Sonderheft* 3)	S. 111 ff.
13.	Familien-Chronik des Johann Fieguth-Altenau	S. 122-131
14.	Aufzeichnungen von Peter Janzen-Heubuden	S. 132-133
15.	Auszüge aus der Forschung von Frl. Andres-Fürstenwerder bez. der Familien Driedger	S. 135-161
	Familien Woelke	S. 165-178
	Familien Wiebe-Fürstenwerder	S. 179-182
	Familien Kroeker-Einlage	S. 187-188
	Familien Andres	S. 189-194

16. Aufzeichnungen von Peter Penner-Weisshof S. 162-163
17. Aufzeichnungen von Daniel Wiens-Czattkau S. 183-186

Band II:

1. Aufzeichnungen von Peter Wiebe, Herrenhagen-Ladekopp (Vater und Sohn) S. 1- 3
2. Aufzeichnungen über die Fam. Claassen-Rückenau S. 5- 8
3. Aufzeichnungen aus der Fam. Claassen-Niedau S. 11- 15
4. Familien Aufzeichnungen der Familie Wiens-Schönau S. 17- 20
5. Aufzeichnungen von Gerhard Janzen und Peter Dück-Einlage S. 21- 22
6. Namensverzeichnis meiner grosselterlichen Familie von Peter Dück-Zeyersvorderkampen S. 23- 42
7. Aus den Aufzeichnungen von Simon Dück-Rückenau S. 43
8. Aus den Aufzeichnungen von Arend Wiens-Fürstenauerfeld S. 44- 46
9. Aus den Aufzeichnungen von Peter Dück-Zeyersvorderkampen S. 47- 52
10. Aufzeichnungen von Arend Reimer-Mierau S. 53
11. Aufzeichnungen von Abraham Regehr-Marienau S. 55- 57
12. Aufzeichnungen von Johann Regehr-Heubuden, geb. 1823 S. 58- 93
    a) Nachkommen seines Urgrossvater Peter Regehr, geb. 1669
    b) Nachkommen des Aeltesten Gerhard v. Bargen, Gr. Lichtenau
    c) Nachkommen seines Urgrossvaters Isaac Peters-Petershagen
13. Aufzeichnungen von Hans Harder-Halbstadt-Sandhof S. 94- 95
14. Aus dem Tagebuch Nr. 6 von Johann Suckau-Vorwerk von 1810 S. 100-103
15. Familien-Notizen der Fam. Klaassen geb. 1765 zu Schönhorst, im Jahre 1804 nach Russland ausgewandert, umfassend die Geschichte der Familie bis 1934 S. 104-110
16. Geschlechtsregister des Martin Hamm-Orloff, geb. 1690 S. 120-133
17. Aufzeichnungen der Elisabeth Hamm, geb. Wiebe-Russland S. 134-137
18. Aufzeichnungen über die Familien Esau, Epp & Fast-Bärwalde bezw. Krampitz S. 138-142
19. Familienchronik Toews-Vogtei S. 143-149
20. Familien-Register von Dietrich Hamm-Ladekopp S. 150-155
21. Familien-Register von David Claassen-Fürstenwerder S. 156-163
22. Aufzeichnungen von Johann Esau-Robach S. 164-173
23. Aufzeichnungen von Abraham Froese-Grunau S. 174-177
24. Kalendernotizen aus Mierauerwalde a.d.J. 1811-66 S. 178-185
25. Aufzeichnungen von Heinrich Claassen-Kl. Suckchin S. 186-189
26. Aufzeichnungen von Cornelius Wiens-Rosenort S. 190-192

Contents of item #4, family trees of the following families

Name of family	*Locality*
Andreas	Tiegenhof
Andres	Tiegenhagen
Albrecht	Marienburg
van Bergen/Regier	Jena
Bergmann, Cornelius	Harrenhagen
Bergamnn, Kurt	Mierauerwalde
Braun	Tralau
Braun	Altenau
Brucks	Simonsdorf
Bückert	

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Claassen, Eduard	Ladekopp
Claassen	Kl. Lichtenau
Claassen	Warnersdorf
Claassen	Palschau
Claassen	Broeske
Claassen	Eichwalde
Claassen	Prangenau
Claassen	Berlin
Claasen C. F.	Newton, Kansas
Claasen	Kittelsfähre
Conrad, Ernst	———
Conrad	Kalthof
Cornelsen	Tiegenort
Dick	Heubuden
Driedger	Heubuden
Dück	Heubuden
Dück	Altmünsterberg
Dück	Reichfelde
Dyck	Wernersdorf
Dyck	Trutenau
Dyck	Riesenburg
Enns	Russland
Enss	Warnau
Entz	Warnau
Enns	Brodsack
Enss	Heubuden
Entz	Meilenz
Entz	Nidau
Entz	Berlin
Epp, Claas	Russland
Epp	Broeske
Epp	Palschau
Epp	Herrenhagen
Esau	Stalle
Esau	Altmünsterberg
Esau	Altmünsterberg
Esau geb. Wiens	Altmünsterberg
Fast	Laase
Fast	Irrgang

Nachfahrenliste der weiblichen Nachkommen der Elisabeth Fieguth geb. Suckau, Heubunden

Fieguth	Schönau
Fieguth	Kl. Lesewitz
Friesen	Schönsee
Friesen	Vogtei
Friesen	Ellerwald
Friesen	Thörichthof
Froese	Orlofferfelde
Froese	Biesterfelde
Hamm	Ladekopp
Hamm	Marienburg
Hamm	Tramperau
Harder	Heubuden
Harder	Altmünsterberg
Harder	Schadwalde
Harder, Hans (Schrifts teller)	———
Harder, Franz	Ohra
Hemmpel	Marienburg
Janzen	Neuteichsdorf
Janzen	Sandhof
Janzen	Laase
Janzen	Gr. Lesewitz
Janzen	Güldenfelde
Janzen	Heubuden

Chronik von Claas Claassen, Heinrich Klaassen sen. & jun.

Klaassen	Kl. Lichtenau
Klaassen	Neuteichsdorf
Klaassen	Trampenau
Klaassen	Heubuden
Knels	Warnau
Kroeker	Heubuden

Familienaufzeichnungen Kroeker-Penner Marienburg-Irrgang

Dr. Loepp	Tiegenhof
Loewen	Heubuden
Loewen, Abr.	Heubuden
Martens	Kalthof
Mekelburger	Altfelde
Neufeld	Kl. Montau
Neufeld	Ellerwald
Neufeld	Petershagen
Neufeld	Wernersdorf
Neufeld	Fischau
Neufeldt	Gr. Lesewitz
Nickel	Wernersdorf
Penner	Bareudt
Penner	Tessendorf
Penner	Neukirch
Penner	Marienau
Penner	Kl. Lesewitz
Peters	Marienburg
Peters	Stadtfelde
Peters	Schönau
Rahn, Familie	———
Regier, Abr.	Marienau
Regier, Corn.	Czattkau
Regier	Altenau
Regier	Schönau
Regehr	Heubuden
Reimer	Heubuden
Reimer	Tannsee
Reimer	Irrgang
Reimer	Stadtfelde
Reimer	Simonsdorf
Reimer	Loske
Reimer	Mierau
Reimer, Bernhard	Mierau
Rempel	Laabe
Rempel	Posilge
van Riesen	Elbing
van Riesen	Marienburg
Sandel	Stuttgart
Sawatzki	Krebsfelde
Sawatzki	Stadtfelde
Sprunck	Heubuden
Schierling	Russland
Schulz	Kl. Lichtenau
Tiessen	Kl. Lichtenau
Toews	Shroop
Toews	Lysanderhöhe
Wall	Kl. Lesewitz
Warkentin	Oliva
Warkentin	Pordenau
Warkentin	Gurgau
Warkentin	Bareudt
Warkentin	Altmünsterberg
Warkentin	Mielenz
Wiebe, Elise	Newton, Kansas
Wiebe	Plastenhof

Wiebe	Rückenau
Wiebe	Pordenau
Wiebe, Heinrich	Russland-Canada
Wiebe	Liessau
Wiebe	Jordanken
Wiebe	Marienburg
Wiebe	Kalthof
Wiebe	Ladekopp
Wiebe	Gr. Falkenau
Wiebe	Schönhorst
Wiebe	Schönau
Wichler	Altenau
Wiens	Kl. Schardau
Wiens	Mierau
Wiens	Simonsdorf
Wiens	Zeyersvorderkampen
Wiens	Walldorf
Wiens	Brodsack
Wiens	Pordenau
Wiens	Mielenz
Wiens	Ladekopp
Willems	Stadtfelde
Woelke	Kalthof
Wolk	Kramerhof

Anhang aus dem Rechenbuch von Abr. Bergmann-Pletzenhof

Van Bergen, Elisabeth	Altebabke
Claasen, Margareth	Essen
Claassen, Peter	Schönsee
Claassen, Abr.	Mösland
Claassen, Gustav	Witzlaft
Dyck, Agnes	Berlin
Dyck	Kurzebrack
Enss, Gerhard	Marienau
Enss	Kl. Mausdorferweide
Enns, Abr.	Berlin
Epp	Heubuden

Bibeleintragungen: Goossen, Schönsee, Gerbrandt

Hildebrandt	Berlin
Klassen, Heinrich	Chortitza
Neufeld	Halostadt
Quiring	Thorn
Rahn	Vierzehnhuben
Rempel, Alex.	Berlin

(mit Auszügen aus dem Kirchenbuch zu Chortitza)

Rempel	Thiensdorf/Rosengart
Lorenz, Bertha geb. Sudermann	
Sprunck	Königsberg
Tiessen	Krone

Trauhandlungen in anderen Gemeinden, bezw. Trauungen von Mitgliedern anderer Gemeinden zusammengestellt aus den Danziger Kirchenbüchern von Fr. Harder.

Wall, Hans	Krim
Wiens, Anna	Gr. Wickerau
Warkentin, Jakob	Usnitz
Wiebe, Magdal.	Gr. Lichtenau
Wiens, Bruno	Danzig
Willems, Walter	Czattkau
Wölcke, Grete	Atmünsterberg

Geschlechtsregister von Wiebe, Abraham, Tiegenhof; Philippsen, Judith, Altebabke; Bückert, Ernst, Marienburg.

Contents of items #5, "Fritz van Bergen-Kartei"

Warkentin, Johannes	Gnojau
Rodenacker, Anna	Danzig
Reimer	Heubuden
Penner, Marie	Königsberg
Thiessen, Gerhard	Gr. Lichtenau
Wannow, Margar. geb. Orle	Danzig
Jansson	Tiege
Reimer	Stadtfelde
Andres, Anna	Fürstenwerder
Dyck	Wernersdorf
Reigier, Otto	Tiegenhof
Harder, Ilse Kath. verehel. Diestel	Stettin
Thiessen, Elfriede	Elbing
Thielmann	———
Sudermann, Herm., Dichter	———
Kauenhoven, Dr. Kurt	Göttingen
Claassen, Wilhelm	Köslin
Wiens, Helmut	Rothof
Woelcke, Helmut	Langfuhr
Dück, Adolf	Altmünsterberg
Wiehler, Dr. Albrecht	Potsdam
Thiessen, Christine	Fürstenau
Sudermann, Bertha	———
Braun/Kroeker	Danzig
Harder	Königsberg
Fieguth	Schönau
Nickel	Stobbendorf
Fieguth	Tiegenhof
Pauls, Heinrich	Elbing
Goertz, Ulrich	———
Esau	Marienau
Claassen, Eugen	Hamburg
Hübert, Johannn	Monzernheim, Russland
Burow, Kathar, geb. Neufeld	Halbstadt
Fieguth	Berlin-Lichterfelde
Kemnitzer, Agnes, geb. Dück	Russland
Dueck Emil	Ladekopp
Hamm, Wilhelm	Berlin-Lankwitz
Sippenschaftstafel der Frau Dr. med. Janzen	Magdeburg
Conrad, Peter	Petershagen
Claassen/Fast	Berlin
Harder, Franz	Ohra
Nickel/Fieguth	Tiegenhof
Esau, Johann	Davis, California
Toews ,	Schroop
Klaassen	Welper
Reimer, Otto	Breslau
Brucks	Heubuden
Esau	Altmünsterberg
Unger	Orlofferfelde
Behrend	Fischau
Krebs, Gustav	Berlin
Krebs, Gustav	Berlin
Thiessen	Krebsfelde
Dürksen, Eugen	Berlin

Sawatzki, Heinrich	Elbing
Klaassen, Kurt	Berlin

Stammbuch der Familie Feyt, Feyd, Feidt in Altona und Altschottland von Dr. ing. Werner Boie, Dresden, sowie Stammbuch der Familie von Roy.

Wiens, Elisabeth, Ehefrau des Lehrers Hildebrandt	
Siemens	Ohlau
Pauls	Dresden
Rempel, Johann G.	Rosthern
Cosack, Dr. Harald	Berlin
Dueck, Ulrich	Riesenburg
Penner, Hermann	Königsberg
Dirks, Gustav, Adolf	Warschau
Janz/Wiens	Alberta, Canada
Mattens	Zoppot
Dyck	Zoppot
Dyck	Danzig
Wieler	Elbing
Harder, Katherina geb, Wiehler	Ohra
Braun	Marienwerder
Tuchel, bez-de Veer	Hannover
Aries, Lothar	Deggendorf
Fast	Zeyersvorderkampen

Ahnenliste der Geschwister de Veer von John Howard de Veer, Amsterdam

Seyfert, John, bez. seiner Vorfahren Claassen	Neukirch
Dyck, Willy	Zoppot
Dr. Jur. Frank	Zoppot
Harder, Erwin	Gr. Karschau bei Königsberg
Kussererow, Anna geb. Claassen	Danzig
Claassen	Mareese
Janzen	Katznase
Biester	Neufahrwasser

bezw. der menn. Vorfahren

Loewen	Elzing
Bergmann	Diesterfelde
Dück	Steynerwerder
Esau, Otto Wilhelm	Stadtfelde
Wiebe	Schönhorst
Harder	Pordenau
Stolbe	Minden (Tiegenhof)
Hamm, Jakob	Tiegenhof
Otto Wiebe	Gr. Falkenau
August Wilhelm Momber	Berlin
Dyck, Peter	Sandhof
Esau, Prof. Dr. Abraham	Jena
Hackbarth, Helmut	Danzig
Mäckelberger, Aron	Elbing
von Roy	———
Dirks	———
Dyck, Johann	Kampenau
Dyck, Gerhard	Berlin
Brucks	Heuzuden
Claassen	Kl. Lichtenau
Conrad, Ernst	Zoppot
Mekelburger, Helmut	Oliva
Entz	Mielenz
Penner	Montauerweide
Mierau, Johannes	Pr. Friendland
Van Riesen, Emil	Danzig
Andres, Peter	Langfuhr
Loepp, Otto	Junkertroyl
Jung, Johannes	Danzig
betr. Andres	Witzlaff
Ahnenliste des Dichters Hans Harder	———
Dyck	Altmünsterberg
Regier	Altenau
Kroeker/Penner	Irrgang
Fast	Schöneberg
Regehr, Wilhelm	Schönhorst
Reimer	Simonsdorf
Sudermann	Kaltdorf
Harder, Johann	Halbstadt
Warkentin	Gnojau
Warkentin	Neuteichsdorf
Reimer	Gr. Lesewitz
Warkentin	Pordenau
Wiens	Pordenau
Claassen	Prangenau
Fast	Mielenz

Content of item #6, Familienchronik von Frau Marie Wiehler geb. Hoemsen Gr. Röbern

Regehr	Rückenau
Driedger	Gnojau
Claassen, Claas	———
Klaassen Heinrich sen. & jun.	———
Braun	Böhnhof
Enns	Fürstenau

ANABAPTIST MANUSCRIPTS IN THE ARCHIVES AT BRNO, CZECHOSLOVAKIA

HAROLD S. BENDER

On the occasion of a brief visit at the Moravian State Archives at Brno, Czechoslovakia, in August, 1947, I secured from the Director of the Archives there a list of the Anabaptist documents now in the possession or custody of the archives. The list is published here because of its value to students of early Anabaptist, particularly Hutterite, history. It contains only short titles for the most part, listed according to the numbers assigned the documents by the director of the archives. In some cases the numbers unfortunately apply to a collection of documents without specification of details, so that it is not possible to determine the contents of such smaller collections. The list was prepared in German, and is here published in the unedited original.

The magnificent collection of 104 numbers, called the "Beck Collection" was given to the Brünn Archives by the late Professor Johann Loserth (1846-1936) of Graz, Austria, who inherited it from Josef Freiherr von Beck (1815-1887). It was the documentary basis for Beck's notable book, *Die Geschichts-bücher der Wiedertäufer in Oesterreich-Ungarn.*

Handschriftensammlung Nr. 49. Becksche Sammlung.:

1. Eine Pergamenturkunde de dato Kaunitzer Burg 15. Aug. 1582 über den Verkauf eines Gartens zu Nemtschitz an die wiedertäufer.
2. Ein Schreiben Hynek Boceks von Kunstadt und Polna.
3. 2 Stücke in deutscher Sprache über die Berufung des Landtags 1541.
4. 3 Briefe betreffend die Beziehungen zwischen Schweizer und mähr. Wiedertäufern 1584.
5. 5 deutsche Schriftstücke über Wiedertäufersachen.
6. Handlung am 14. März 1526 zu Osterlitz beschehen.
7. 38 Nummern Hubmeieriana. Gute Kopien.
8. Copien von Sendbriefen, Lehrsystem etc. alphabetisch geordnet und zwar zuerst Hans Amons Schriften. 17 Briefe.
9. Hans Arbeiters Bekanntniss 1568.
10. Epistel von Johann Bair 1528.
11. Epistel von Hans Beck et Konsorten 1533.
12. Epistel von Wolfgang Brandhuber 1529.
13. Epistel von Mathes Binder 1573.
14. Bekanntniss Leonhards Dax 1567.
15. Hans Denks Schriften 1524-1528.
16. Hans Donners und Hans Seidels Epistel 1528.
17. Andree Ehrenpreis Sendbreife 1652.
18. Andree Ehrenpreis Sendbriefe 1652.
19. Antoni Erforders Epistel 1528.
20. Epistel der gefangenen Brüder auf dem Falkenstein und v. Triest. 1538-1540.
21. Jörg Fassers und Linhard Langenstiels Episteln 1536.
22. Claus Felbingers Sendbrief 1560.
23. Ludwig Fests Sendbrief 1533.
24. Kunz Fichters Sendbrief 1532.
25. Gabriels Schriften 1535.
26. Paul Glocks Aussagen.
27. Niclas Geyerspühlers Verantwortung.
28. Offerus Griesingers Briefe 1538.
29. Josef Hausers Schriften 1603.
30. Hieronymus Käls Schriften 1536.
31. Jakob Huters Schriften 1534-1535.
32. Bernhard Klampferer's Verantwortung 1573.
33. Hansl Krals Schriften 1561.
34. Daniel Kropfs Bekanntniss 1534.
35. Episteln von Lamprecht und Konsorten 1532.
36. Langenmantels Abhandlungen 1525.
37. Jörg Liebichs Gefangenschaft.

38. Lochmaiers Briefe 1538.
39. Wolf Maiers Sendbrief 1569.
40. Hans Mändels und seine Genossen Briefe 1561.
41. Pilgram Marpecks Judicium 1544.
42. Riedemanns Episteln 1527-1556.
43. Francesco de Saga Sendbriefe 1562.
44. Michael Sattlers Episteln 1529.
45. Leonhards Schiemers Schriften 1527-1528.
46. Hans Schlaffers Episteln 1527-1528.
47. Hans Schmiedts Gefangenschaft in Württemberg 1590-1591.
48. Hansl Schmidts Rechenschaft 1558.
49. Sendschreiben der Gemeinde 1535-1601.
50. Ulrich Stadlers Episteln 1535-1536.
51. Gall Steinigers christlicher Bericht.
52. Veit Uhrmachers Gefangennahme 1573.
53. Jörg Wagners Biographie 1527. ..
54. Peter Walpots Reden 1568-1590.
55. Jörg Wengers Sendbriefe 1590-1591.
56. Thoman Waldhammers Epistel 1528.
57. Hans Wucherers Sendbrief 1537.
58. Jörg Zaunrieds Anzeigung.
59. Hubmaiers Beschlussreden von der Messe.
60. 4 Wiedertäuferschriften aus einem Heidelbergischen S.
61. Wiedertäufergedenkschrift von 1640.
62. Kinderbericht 1662.
63. Kinderbericht für die erwachsene Jugend 1620.
64. Bruderliche Vereinigung.
65. Wiedertäufer Akten aus Nürnberg.
66. Ansbacher Akten I.
67. Abschriften aus dem Kodex Kilian Walch.
68. Historia reformationis in Silesia 1517-1607.
69. Ansbach. Nürnberger Akten Julius Lober.
70. Ansbacher Akten über Nespitzer.
71. Gutachten Nürnberger Predikanten 1524.
72. Hans Nadlers Aussagen 1524.
73. Ansbacher Akten II.
74. Nürnberger Anabaptistica.
75. Denkiana 1524-1525. Jörg Hauck von Juchsen 1526-1527.
76. Anonyme Prosa.
77. Mandate Ottoheinrichs von der Pfalz.
78. Kopien aus dem Müncherer Archiv.
79. Ansbacher Akten III.
80. Ansbacher Akten IV.
81. Zerspaltung der Gemeinde 1533, 1531.
82. Wider den newen Tauforden.
83. Esaias Tribauersche Blütenlese.
84. Urbanus Rhegius Sendbrief gegen Hans Huth.
85. Francesco de Saga Epistel.
86. Peter Walpot Artikel.
87. Andree Ehrenpreis Ordnungen.
88. Leonhard Dax Bekanntniss.
89. Konrad Heinzemanns Epistel.
90. Claus Felbinger Epistel.
91. Michael Seifensieders Epistel.
92. Vorrede Geschichtsbuch der Märtyrer Christi.
93. Codex ritualis.
94. Codex Pöger.
95. Hans Jedelshausers Abfall von den Wiedertäufern.
96. Riedemanns Rechenschaft.
97. Wiegand De anabaptismo.
98. Imbrach Bekanntniss.
99. Hans Zuckenhammers Lustbüchlein.
100. Wiedertäufergebet und ähnliches.
101. Verschiedene Wiedertäuferschriftstücke.
102. Vier Brüder: Hans Staudach, Anthoni Keim, Blasy Beck, Leonhard Schneider oder Schmidt, gefangen zu Wien 1546, 14 Briefe an die Gemeinde in Mähren.
103. Wilhelm Griebachers Epistel 1535.
104. Wiedertäufer in Hessen. Entwürfe Becks zu einer geschichtlichen Darstellung, Lesefrüchte.

Zwei Stücke davon sind Eigentum des Deutschen Vereins für die Geschichte Mährens und Schlesiens, u. zw.:

1. Paulus Bidgowinus contra Waldnesium et Pichardorum errores.
2. Epistola Vergerli ad Stanislaum comitem ab Ostrorogo.

Handschriftensammlung des Mährischen Landesarchivs:

Nr. 573: Eine kurtze anzaigung, wie die fromen von der Apostelon zeiten bisher je und alloeg vervolgt, unnd wie im gott widerumb inn dieser letzten zeit ein gemain versamlet und wie derselbigen vil umbs glaubens willen gericht sein worden. (Ms. 1631)

559: Sendschreiben der Wiedertäufer aus den Gefängnissen: von den Bergen Israel, ihres Natur und Eigenschaft, Lienharten Schimers Epistel an die gmaingotts zu Rattenberg geschrieben.
Leonhardt Schiemers Epistel an die gmaingottes zu Rotenburg, darinnen die hübsche Erklärungen der 12 Artikel christlich Glaubens, etc. (Ms. 16 Jhdt.)

528: Cronickel oder Denckbuchel darinnen mit kurtzen Begriffen, was sich vom 1524 Jar. bis auf gegenwärtige Zeit in der Gemain zuegetrag. (Ms. 17. Jhdt.)

389: Kurtzes Denkbüchlen darinnen zum tail begriffen, was sich von dem 1525 jar bis auf gegenwirtige Zeit in unserer Gemain zuegetragen, und wie so viel treuen Helden die Warheit Gottes, gantz ritterlich mit ihrem Bluet bezeugt haben. (Ms. 1860)

380: Wiedertäufer-Schriften. Copien. (Ms. 1860.)
100: Auszüge aus dem mähr. Landtagsverhandlungen und Beschlüssen über die Wiedertäufer. 1535-1619. (Ms. 19. Jhdt.)
471: Ursprung und Geschichte der böhm. und mähr. Brüder, dann der Wiedertäufer in Mähren mit biographischen Notizen von Cerroni zusammengetragen. (Ms. 19. Jhdt.)
563: Kurtzes Denkbüchlein, darinnen zumteil begriffen etc. (Ms. 1640.)
798: Verschiedene Traktate:
Ant. Erdtfordter, Hänszel Schmidt, Claus Felbinger, Adam, Horneck, Jung Paul, Leonhard Dax, etc. (Ms. 16. Jhdt.)

Cerronisammlung.

I:131 —Ueber die Wiedertäufer in Mähren. (Ms. 19. Jhdt.)
II:251 —Rescripte und Landtagsschlüsse wegen Ausrottung der Wiedertäufer. (Ms. 19. Jhdt.)
II:33 —B. Balbin-De Anabaptistis. (Ms. 17. Jhdt.)

MENNONITE ELEMENTARY SCHOOLS, 1947-48

SILAS HERTZLER

A brief overview of the historical development of Mennonite and Amish Mennonite elementary schools was given in the October, 1947, issue of the MENNONITE QUARTERLY REVIEW. More or less complete statistics for the three school years, 1944-45, 1945-46, 1946-47, were given at that time. This report is an attempt to bring this development up to date, and to give a statistical summary for the year 1947-48.

There were 19 Mennonite elementary schools in operation during the school year 1944-45. Six new schools were opened with the school year 1945-46, making a total of 25 for that year. For the school year 1946-47 the total number of schools reached 28. The 7 new schools included for the first time for the school year 1947-48 were located at various points in Douglas County, Illinois, in Somerset, Lebanon, and Lancaster counties, Pennsylvania, and in Wayne, Madison, and Stark Counties, Ohio.

The complete list of these Mennonite and Amish Mennonite Christian day schools and parochial schools, on the elementary level, is as given below.

Arthur Amish Mennonite Parochial School, Arthur, Illinois
Bethel Springs School, Culp, Arkansas
Cross Roads School, Springs, Pennsylvania
Crown Hill Mennonite School, Marshallville, Ohio
Deep Creek Mennonite School, Route 3, Portsmouth, Virginia
Elida Mennonite Christian Day School, Elida, Ohio
Ephrata Mennonite Christian Day School, Route 3, Ephrata, Pennsylvania
Fountain Nook School, Apple Creek, Ohio
Franconia Mennonite Day School, Souderton, Pennsylvania
Green Hill Mennonite School, Cheswold, Delaware
Greenwood Mennonite School, Greenwood, Delaware
Hillside Amish Mennonite School, Route 1, Meyersdale, Pennsylvania
Johnstown Mennonite School, Route 2, Hollsopple, Pennsylvania
Kempsville Mennonite School, Princess Anne, Virginia
Kishacoquillas Valley Christian Day School, Belleville, Pennsylvania
Lake Center Christian Day School, Hartville, Ohio
Lebanon Mennonite School, Lebanon, Pennsylvania
Linville Hill Mennonite School, Route 1, Paradise, Pennsylvania
Locust Grove Mennonite School, Smoketown, Pennsylvania
Lower Lancaster County Mennonite School, Route 2, Quarryville, Pennsylvania
Manor Mennonite School, Millersville, Pennsylvania
Maple Grove School, Apple Creek, Ohio
Mennonite Private School, Dover, Delaware
Mt. Carmel Parochial School, Harrisonburg, Virginia

Mt. Pleasant Mennonite School, Fentress, Virginia
Nampa Mennonite Parochial School, Nampa, Idaho
New Danville Mennonite School, Route 6, Lancaster, Pennsylvania
Oak Grove Amish Parochial School (East Lampeter Township School) Route 5, Lancaster, Pennsylvania
Plainview Christian Day School, Plain City, Ohio
Pleasant View School, Apple Creek, Ohio
Pleasant View Mennonite School, Ronks, Pennsylvania
Sonnenberg Mennonite School, Route 1, Dalton, Ohio
Springdale Parochial School, Waynesboro, Virginia
Warwick River Mennonite School, Denbigh, Virginia
West Fallowfield Mennonite School, Parkesburg, Pennsylvania

Table I summarizes the total attendance for the school year 1947-48, in the 35 schools included in the study. It also gives figures for the total number in grades one to eight, and for the high schools. The number attending the elementary schools was 1,970, and 141 were attending the high schools. This table shows in addition the opening year for each school.

Table II shows exact details for the attendance in each of grades one to eight. The largest enrollment is in grade one, with the smallest in grade four. The figures for one school show the total only, enrollment by classes being unobtainable.

The statistics given in Table III, perhaps, should not have been used, since they could have been included in the tabulations given elsewhere on Mennonite high schools and colleges. The reason they are included here is that these schools are only inadequate temporary extensions of elementary schools, and really are not well-organized high schools. No high school pupils are included from schools which give a full four-year high school course. In such cases, as in the returns for the Johnstown Mennonite School, only the reports for the first eight grades are included, the high school data being used with the statistics given for the better organized secondary schools.

Table IV is not quite complete, since one school with 35 pupils did not give a separate tabulation for boys and for girls. Table V is more exact since all schools gave more accurate information.

Total attendance shows a remarkable increase during the four year period under survey. The numbers run 835, 1107, 1445, and 2111. The increase of 666 for 1947-48, over the previous year, is in part the result of larger attendance in the schools established earlier, as well as of the addition of the total number in the new schools.

MENNONITE ELEMENTARY SCHOOLS

TABLE I

TOTAL ENROLLMENT IN MENNONITE ELEMENTARY SCHOOLS, 1947-48

School	Year of Opening	Elem. Grades	High School	Total
Arthur Parochial	1947	21		21
Bethel Springs	1944	32	9	41
Cross Roads	1939	35	4	39
Crown Hill	1944	26		26
Deep Creek	1945	31		31
Elida Mennonite	1945	64		64
Ephrata Mennonite	1946	93	9	102
Fountain Nook	1944	41		41
Franconia Mennonite	1945	159	13	172
Green Hill Mennonite	1938	19		19
Greenwood Mennonite	1928	52	7	59
Hillside A.M.	1946	24	7	31
Johnstown Mennonite	1944	99		99
Kempsville Mennonite	1946	110		110
Kishacoquillas Valley	1945	118	14	132
Lake Center Christian Day	1947	167	14	181
Lebanon Mennonite	1947	35		35
Linville Hill Mennonite	1944	69		69
Locust Grove Mennonite	1939	101		101
Lower Lancaster County	1947	28		28
Manor Mennonite	1945	45		45
Maple Grove	1944	33		33
Mennonite Private	1925	19		19
Mt. Carmel Parochial	1943	28		28
Mt. Pleasant Mennonite	1941	29		29
Nampa Mennonite	1945	27	5	32
New Danville Mennonite	1940	75	14	89
Oak Grove A.M. Par. (Zook)	1938	40		40
Plainview Christian Day	1947	50	13	63
Pleasant View (Apple Creek)	1947	41	5	46
Pleasant View (Ronks, Pa.)	1938	35		35
Sonnenberg Mennonite	1947	58	10	68
Springdale Parochial	1944	55	9	64
Warwick River	1942	58		58
West Fallowfield Parochial	1941	53	8	61
Total		1970	141	2111

TABLE II

Enrollment by Classes, Mennonite Elementary Schools, 1947-48

School	Grade I	Grade II	Grade III	Grade IV	Grade V	Grade VI	Grade VII	Grade VIII	Total
Arthur Parochial	4	3	4	2	3	2	2	1	21
Bethel Springs	7	1	4	5	7	2	3	3	32
Cross Roads	2	0	4	1	7	4	9	8	35
Crown Hill	3	2	7	1	4	4	0	5	26
Deep Creek	3	5	8	2	5	1	1	6	31
Elida Mennonite	7	6	15	9	5	8	9	5	64
Ephrata Mennonite	15	10	12	8	17	13	6	12	93
Fountain Nook	2	6	2	10	0	4	6	11	41
Franconia Mennonite	27	27	19	20	19	15	22	10	159
Green Hill Mennonite	1	4	1	3	4	2	4	0	19
Greenwood Mennonite	5	9	6	4	4	8	9	7	52
Hillside A.M.	5	0	2	2	4	4	5	2	24
Johnstown Mennonite	14	16	12	14	11	10	10	12	99
Kempsville Mennonite	10	15	15	14	20	11	11	14	110
Kishacoquillas Villey	22	23	17	8	11	10	11	16	118
Lake Center Christian Day	36	24	23	19	15	20	16	14	167
Linville Hill Mennonite	11	8	7	9	9	9	9	7	69
Lebanon Mennonite									35
Locust Grove Mennonite	10	8	13	10	14	10	18	18	101
Lower Lancaster County	5	5	4	4	1	3	5	1	28
Manor Mennonite	7	6	9	2	5	8	4	4	45
Maple Grove	9	2	3	4	2	3	0	10	33
Mennonite Private	2	2	2	3	0	3	7	0	19
Mt. Carmel Parochial	6	4	0	5	0	8	1	4	28
Mt. Pleasant Mennonite	3	0	4	5	3	4	4	6	29
Nampa Mennonite	5	4	4	3	3	2	4	2	27
New Danville Mennonite	8	11	12	10	10	5	7	12	75
Oak Grove A.M. Par. (Zook)	6	6	5	3	5	4	5	6	40
Plainview Christian Day	7	7	8	4	6	7	8	3	50
Pleasant View (Ohio)	3	5	11	3	6	3	4	6	41
Pleasant View (Pa.)	5	6	2	6	4	6	3	3	35
Sonnenberg Mennonite	12	8	7	2	7	6	8	8	58
Springdale Parochial	14	6	11	8	6	6	4	0	55
Warwick River	11	1	11	7	7	11	5	5	58
West Fallowfield Parochial	8	7	6	5	3	8	10	6	53
Total	295	247	270	215	227	224	230	227	1970

TABLE III

Enrollment by Classes, Mennonite High Schools, 1947-48

School	Freshmen	Sophomores	Juniors	Seniors	Total
Bethel Springs	1	5	3	0	9
Cross Roads	4				4
Franconia Mennonite	13				13
Ephrata Mennonite	9				9
Greenwood Mennonite	2	5			7
Hillside A.M.	7				7
Kishacoquillas Valley	10	4			14
Lake Center Christian Day	11	3			14
Nampa Mennonite	5				5
New Danville	9	5			14
Plainview Christian Day	7	6			13
Pleasant View (Ohio)	5				5
Sonnenberg Mennonite	6	4			10
Springdale Parochial	0	9			9
West Fallowfield	5	3			8
Total	94	44	3		141

TABLE IV

Boys and Girls, Mennonite Elementary Schools, 1947-48

School	Boys	Girls	Total
Arthur Amish Mennonite Parochial	12	9	21
Bethel Springs	11	21	32
Cross Roads	20	15	35
Crown Hill Mennonite	11	15	26
Deep Creek Mennonite	12	19	31
Elida Mennonite Christian Day	37	27	64
Ephrata Mennonite Christian Day	36	57	93
Fountain Nook	18	23	41
Franconia Mennonite Day	83	76	159
Green Hill Mennonite	12	7	19
Greenwood Mennonite	26	26	52
Hillside Amish Mennonite	13	11	24
Johnstown Mennonite	55	44	99
Kempsville Mennonite	53	57	110
Kishacoquillas Valley Christian Day	69	49	118
Lake Center Christian Day	96	71	167
Linville Hill Mennonite	43	26	69
Lebanon Mennonite	18	17	35
Locust Grove Mennonite	42	59	101
Lower Lancaster County Mennonite	12	16	28
Manor Mennonite	20	25	45
Maple Grove	24	9	33
Mennonite Private	7	12	19
Mt. Carmel Parochial	14	14	28
Mt. Pleasant Mennonite	16	13	29
Nampa Mennonite Parochial	7	20	27
New Danville Mennonite	42	33	75
Oak Grove Amish Parochial (Zook)	19	21	40
Plainview Christian Day	33	17	50
Pleasant View (Ohio)	22	19	41
Pleasant View (Pa)	15	20	35
Sonnenberg Mennonite	30	28	58
Springdale Parochial	35	20	55
Warwick River Mennonite	27	31	58
West Fallowfield Mennonite	37	16	53
Total	1027	943	1970

TABLE V

Boys and Girls, Mennonite High Schools, 1947-48

School	Boys	Girls	Total
Bethel Springs	2	7	9
Cross Roads	1	3	4
Ephrata Mennonite	4	5	9
Franconia Mennonite Day	3	10	13
Greenwood Mennonite	4	3	7
Hillside Amish Mennonite	3	4	7
Kishacoquillas Valley Christian Day	8	6	14
Lake Center Christian Day	2	12	14
Nampa Mennonite Parochial	2	3	5
New Danville Mennonite	8	6	14
Plainview Christian Day	4	9	13
Pleasant View (Apple Creek, Ohio)	2	3	5
Sonnenberg Mennonite	7	3	10
Springdale Parochial	5	4	9
West Fallowfield Mennonite	2	6	8
Total	57	84	141

BOOK REVIEWS

Wie Zijn Wij? Door L.D.G. Knipscheer en H. Bremer, Doopsegezinde Predikanten te Groningen. Uitgave der Verenigde Doopsegezinde Gemeente te Groningen. Firma H. Schut Azn., Nieuwe Ebbingestraat 36, Groningen, 1947. Pp. 79. Fl. 1.60.

Who Are We? was written co-operatively by the two present pastors and published by the church board of the Doopsgezinde congregation at the city of Groningen. (Chapter 4 was prepared by K. T. Gorter, a former pastor at the same place.) The introduction states that this is an "orientation booklet" regarding the Doopsgezinden in general and the congregation at Groningen in particular and was written for the use of study groups and in a special way for "the many persons who still stand outside the churches."

The booklet is comprised of twenty chapters pertaining to the origin, rise, and present development of the Doopsgezinden in The Netherlands. One chapter is devoted to the life and labors of Menno Simons and another to *Het Offer des Heeren*, the earliest Dutch Anabaptist martyr book. Seven chapters relate to the former and present distinguishing marks (*kenmerken*) characterizing the faith and practice of the Doopsgezinden. The final four chapters pertain to the history and place of the Groningen congregation in the Dutch brotherhood.

The first chapter presents and discusses "*Richtlijnen* drawn up by the church board of the United Doopsgezinde Congregation at Amsterdam in their gathering of March 21, 1946." These *richtlijnen* are points of faith and practice formulated as a "guide for discussion regarding the foundation, character, and task" of the brotherhood. The introductory statement makes it very clear that they are not in any manner intended to resemble a Confession of Faith or a formulation of what Doopsgezinden believe. These *richtlijnen* are adapted from "Our Heritage of Faith," a statement of position adopted by the Mennonite Central Committee for the guidance of relief workers, and published in the M.C.C. *Handbook of Information*. (1945).

The particular concept of Christianity which provides an historical and theological perspective for the Doopsgezinden is designated as *consequent Protestantisme*. By this term the authors mean a religion which is consistently Biblical, or, in the Reformation context, one which follows the original intentions of Luther and Zwingli to "return to the Bible" and re-establish a church after the New Testament pattern. Because both of these leaders compromised on three important issues (the nature of the church, definitive dogmas, the nature of the sacraments), the Anabaptists separated from them and maintained a position of "no church (*Kerk*) to govern the conscience, but a brotherhood laboring together for the welfare of her members; no dogmas which establish the truth for all persons for all time, but a free, personal confession of faith by all members; no sacraments which convey the grace of God in a supernatural manner, but simple aspirations for a pure and refreshing life with Christ. This was *consequent Protestantisme* as our forefathers understood it, and as we understand it today" (p. 17).

The marks of distinction (kenmerken) which characterized the old Doopsgezinden and which still identify the Dutch brotherhood today are listed by the authors as follows: the absence of dogma, Christian discipleship (*navolging van Christus*), the conception of the church as a community (*gemeente*), the conception of the church as a priesthood of believers, observance of believers' baptism, observance of the Lord's supper

as a fellowship with Christ and the believers, nonswearing of oaths, participation in the ecumenical movement, and missions. An explanation is made in regard to participation in the ecumenical movement, concerning which the following statement is made: "In our concern for the federation of all Christians, we deviate from the old Doopsgezinden, who in their conception of a church without spot or wrinkle, could not give the right hand of fellowship to other Christians" (p. 56).

The *kenmerken* of the old Doopsgezinden which have largely disappeared among the modern congregations are listed as follows: feetwashing, simplicity, nonconformity, refusing to hold public office, nonresistance, prohibition of marriage outside the brotherhood, shunning, and the ban. Of these marks, only traces of simplicity, nonconformity, and nonresistance are to be found in the brotherhood today. The origin and relative disappearance of these marks are explained as follows: "The general-Protestant watchword, 'Return to the Bible,' led Menno Simons and his contemporaries to a faithful obedience to various Bible texts which later seemed to lose their hold on the conscience."

The appendices include a short bibliography, an explanation of the symbolism in two of the stained-glass windows in the church building at Groningen, and a table of statistics, titled, "Some Data Regarding Doopsgezinden in Other Countries." The total number of Mennonites (baptized members) in the world is listed as 291,103. This figure is in remarkable agreement with that of 262,187, as listed in the *1948 Mennonite Yearbook and Directory,* the chief difference being the 25,000 estimate of Mennonites still in Russia included by *Who Are We?* and omitted by the *Yearbook.*

The purpose of *Who Are We?* is to portray the Doopsgezinden of Holland. It is the opinion of the reviewer, after having lived in the Dutch brotherhood for two years, that the authors have accomplished this purpose accurately and objectively. They have been fair and on controversial points have presented both sides. The following quotation bears witness to this: "In our brotherhood at present there are two movements. The one movement thinks 'ecclesiastical' (kerkelijk), but ecclesiastical in the sense of a Church who is aware of her calling in the world; she feels closely bound with other Christian churches and desires to stand with them in the world. The other movement lays an emphasis on the old Doopsgezinden. They desire to build up a radical Christian community (*gemeente*) in the evil world. They are radically nonresistant and refuse to participate in civil government. But they also realize their responsibility to the world and seek to express this through an extended work of love . . ." (p. 38).

One of the most valuable sections in this booklet is the extended treatment of the ordinances of baptism and communion. A deep devotional spirit pervades these chapters. Especially noticeable, also, is the abundant use of Scripture references and quotations throughout the text.

Mennonites outside the Dutch brotherhood (and some in the Dutch brotherhood) will discover in this booklet issues of faith and practice concerning which they will ask serious questions. It is pertinent to observe that the purpose of this publication is to present an accurate picture of the modern Doopsgezinden and that the large question of what constitutes Christian faith and practice for Mennonites, in view of their Anabaptist heritage, lies outside its scope. However, when the reader endeavors to understand the present-day Doopsgezinden in the light of concepts such as *consequent Protestantisme* and the centrality of the New Testament, he is inclined to ask questions such as these: Is the authority of the Bible still accepted and does it occupy a central place in the home and congregation? In the desire to remain entirely free from dogma, has not

an extreme interpretation of Christian liberty been arrived at? Is not the Biblical injunction to practice nonresistance as imperative as the refusal to swear oaths? Mennonites in general, however, will find themselves in agreement with and inspired by the greater part of *Wie Zijn Wij?* It is the opinion of the reviewer that no other delineation of Doopsgezinde faith and practice published in modern times would find equal acceptance among Mennonites of the world.

There is a small error on page 65 where the authors incorrectly state that Benjamin Franklin was a Quaker. On page 18 one questions the date "approximately 1523" for the time when Grebel and the Swiss Brethren separated from the Zwinglian party when the exact date, 1525, has been unquestionably established. Irvin B. Horst.

Rosanna's Boys: A Sequel to Rosanna of the Amish. By Joseph W. Yoder. Illustrated by George Parsins. Huntingdon, Pennsylvania: The Yoder Publishing Company, 1948. Pp. xi, 345. $2.50.

Here is another *must* for all students of Amish life and culture. An increasing body of printed material *about* the Amish is becoming available but authoritative depictions by Amishmen are rare. In writing of Rosanna's boys the author is not merely the interested onlooker and sympathetic raconteur; he is an active participant in a culture whose deeper spiritual, sociological significance he understands, appreciates and reveals.

In the "Preface" the author states that the earlier volume, *Rosanna of the Amish,* "portrayed Rosanna's life as it developed, showing in story form many of the customs of the Amish people, but the facts had to be gathered from the story. In this sequel the customs of the Amish are stated more definitely, showing the strenuousness of their lives in religion, and in their daily toil. . . . All customs and practices herein described . . . held unchanged for well onto two hundred and fifty years . . . are exactly as carried out by the Old Order Amish." By bringing into sharp relief the struggle between Amish conservatism and the influence of the Irish Catholic relatives, *Rosanna's Boys* strengthens the impression of the distinctiveness of Amish culture.

Like *Rosanna of the Amish, Rosanna's Boys* is not without its literary imperfections. Rhetorically the volume is far from faultless. In at least one case the proofreader failed to catch the lack of agreement between subject and verb. At several points an idea presented in one chapter is repeated in the same words in a succeeding chapter. Biographical and autobiographical details, also, are repeated ineptly in succeeding chapters. The concluding chapter, "The Boys Grow Up," presents material chronologically preceding earlier chapters.

These literary shortcomings, however, decrease in no way the validity of the record of the inner spiritual development of the four sons of the Amishman, Little Crist Yoder, and his wife, the Irish Catholic orphan, Rosanna McGonegal, who was reared as an Amish girl and became as devout a member of the Old Order Amish Church as any in the Kishacoquillas Valley. The narrator is Joseph the youngest of Rosanna's boys. Without pretention to literary flourish, he reveals in a simple, plain, intimate, informal fashion the story of the growth, ideas, ideals and divergent interests of his three older brothers, Yost, Levi, and John and himself. The informal style permits frequent digression for author comment on a large variety of matters ranging from appreciation for Amish thrift and industry to the author's recommendation of the cold bath for the preservation of health.

The first four chapters present historical background. The first, "Big Valley," describes the Kishacoquillas Valley, the arrival of the first Amish settlers and the difference of viewpoint and interpretation that have divided the original group into eight Amish and Amish Mennonite denominations which have no church fellowship with each other but "get along well . . . as friends . . . at public sales, funerals and weddings." The second chapter, "Forebears," purports to set forth the European background of Mennonites and Amish, but leans toward acceptance of the earlier view of connection between the Waldenses and Anabaptists. Chapter Three, "Commendable Traits," mentions Amish church loyalty, stable family life, obedience to law, a church-supported Civilian Public Service program; care for the poor, the aged, and the orphaned; refusal to accept New Deal funds for decreased production; sociability and co-operation, and mutual aid. The fourth chapter accounts for and explodes the "Blue Gate Legend."

Succeeding chapters, especially, "The Family," "Yost," "Levi," "John and I," "Yost's Wedding," "The Transition," "Traditions," and "The Boys Grow Up," reveal the intimate inner history of the family and of each of Rosanna's boys. No such portrayal as is here presented has previously appeared from the pen of one reared in an Old Order Amish home.

Although the story of Rosanna's family is far from representative in background and in the children's attitude toward their parents' church, Amish families do occasionally lose a son to some other denomination. In *Rosanna's Boys,* Yost, the eldest son, united with the Old Order Amish church and adhered to the conservatism of his Amish parents. Levi, for some unexplained reason, did not, but retained all the better elements of his cultural heritage, except the religious. John united with the Amish Mennonite Church, married, was ordained to the ministry, felt the need for more education, attended Goshen College, and although not an outstanding student, made such a success of managing the college dining hall that a friend encouraged him to organize the Goshen Milk Condensing Company. Joseph W., the author, narrates his own experiences in Chapters XI-XVIII, "The Transition" (the beginning of his teaching career); "Traditions" (how the young student preparing for school teaching kept the respect of the more conservative members by attending his father's meeting even though he himself now was a member of the Church House Amish); "The New Field" (his first experiences as a teacher); "Teachers Institutes" (his work as a teacher and leader of singing and the opportunity that this gave him for meeting big names in the educational field); "Health" (how the author, a small emaciated child of whom the "doctor said . . . 'he'll die anyway' " became a strong man of robust physique, learned about the Ralston Health Club and even on the recommendation of *Physical Culture* magazine took a snow bath—once!) and finally in "The Boys Grow Up," a few very interesting biographical and autobiographical notes that had not been elaborated in earlier chapters.

The chapter, "Amish Music," narrates the author's three-year-long struggle to transcribe the tunes of the Amish hymns as they have been learned and sung by the Amish for centuries, and finally to record the results of his study and effort in the book *Amische Lieder.* Another chapter, "Rhythmical Reminiscences," in the spirit of the remainder of the volume presents several of the author's "Pennsylvania Dutch" (Palatinate German) poems: "Noch Denke," "Es hähmelt mir ahn," "Der Tschonnie und Sei Hund," and others.

Another chapter deserves special mention. "The Parable of 'The Church with the Overshot Wheel' " is the author's attempt (and a not

unworthy attempt, by the way) to tell an Amish story in a style adapted from O. Henry. The hero, Uncle Davy Byler, displays many of the admirable Amish traits.

The twenty pen sketches by George Parsins not only enhance the beauty of the volume but, as an essential part of the record of the life of Rosanna's boys in the Kishacoquillas Valley, they are a valuable and necessary part of the volume. Page v which announces that the volume is "Dedicated to My Beloved Parents, Christian Z. Yoder and Rosanna McGonegal Yoder" is bordered with a fine example of "Pennsylvania Dutch" art.

The casual reader will find *Rosanna's Boys* interesting and informing; the student of Amish life and culture will find it indispensable.

Goshen College John Umble

The History and Principles of Mennonite Relief Work—An Introduction. By M. C. LEHMAN, Published by Mennonite Central Committee, Akron, Pennsylvania, 1945. Students' Edition with Syllabus and annotated Bibliography. Pp. 67. 25 cents.

The History and Principles of Mennonite Relief Work—An Introduction, by M. C. Lehman, was intended to be the first of a series of Relief publications sponsored by the Mennonite Central Committee, under the general title Mennonite Relief Service, a Series of Studies for Those Interested in a Christian Relief Ministry. Thus far no other volumes in the proposed series have been published. The purpose of this first volume, according to the author, is "to be helpful to people having a conviction that they should prepare for participation in a program of ministry to sufferers who are such by reason of war or otherwise. To understand the Biblical undergirding principles that motivate and guide Mennonite Christian relief work is of the utmost importance for such. It is intended just as much for those Christians who for purposes of help for their own spiritual life desire to familiarize themselves with the history and principles of this phase of the various activities of the Mennonite Church."

The booklet is divided into eight parts as follows:

I. Relief Work Before the First World War
II. Relief Work Between the Two World Wars
III. The Story of the Mennonite Central Committee
IV. Relief Work During the Present World War
V. The Significance of the Relief Work of the Church
VI. Why We Should Pursue a Program of Relief
VII. Syllabus for Study
VIII. An Annotated Bibliography

In Part I the author surveys briefly the relief activities among Mennonites from the beginning of their history in an attempt to show that relief is inherent in the doctrine of the Mennonite Church. Examples are given from the Hutterian Brethren in Moravia (1528) and the Dutch in 1553 and also from the history of American Mennonites as early as the French and Indian War and the Civil War. According to Lehman "the Mennonites of Swiss stock in Iowa" in 1867-68 made up a relief shipment for Holland which was to be used "in relieving distress in Java where the Dutch Mennonites were conducting a foreign mission." This, if not the first foreign material aid contribution by Mennonites, is among the first and can well be considered the forerunner of our present day material aid relief program.

In the latter part of Part I as well as in much of Part II, Relief Work Between the Two World Wars, there is considerable space devoted to the migration of Mennonites. The reviewer regrets that the account of the Mennonite participation in relief work with the American Friends Service Committee in Europe and under the Near East Relief in the Near East following World War I is so sketchy. The 73 Mennonite young people have contributed largely in these two undertakings which merit more study and research than has been given them thus far.

The story of the M.C.C. in Part III presents figures of relief expenditures on the part of relief committees of the larger Mennonite groups prior to the organization of the Mennonite Central Committee. The "Studien Kommission" consisting of four Russian Mennonites who came to America in 1920 soliciting assistance for suffering Mennonites in Russia brought about a united Mennonite relief effort that culminated in a central relief program in the form of the Mennonite Central Committee.

Since the book was published in 1945, the section on Relief Work During the Present World War, (Part IV), merely mentions the beginning of the present world-wide M.C.C. relief and rehabilitation program. "Between August 1, 1926, and August 15, 1944, all Mennonite relief organizations raised $2,454,246.38 for relief. This is a per capita rate of about $1.75 per communicant member for twelve years." The total Mennonite foreign relief program during the peak years of 1946 and 1947 was higher than the above total.

In Part V, The Significance of the Relief Work of the Church, the author points out that he believes Biblical teaching of original Mennonitism is significant for the following reasons: 1. Relief is one activity that the Mennonite Church has carried on continuously throughout its history. 2. The largest volume support for relief "comes from those areas in the church where adherence to original Mennonitism is most clearly discernible." 3. The largest individual givers to relief among Mennonites are from those who have "remained most consistently true to the doctrine of Biblical peace." 4. Although there is a "tremendous diversification" among Mennonites today there is one central committee for relief that has functioned for over 24 years. 5. The main resources in organization are now in America rather than in Europe, where there is a closer adherence to Mennonite principles. Relief is "one activity around which all the Mennonites of the world still rally." As such, "relief work is the expression of a principle which is one of the nucleuses of the whole structure of Mennonite Faith."

Part VI considers Why We Should Pursue a Program of Relief. First, the author gives a list of principal points of faith where the Mennonites differ from the Roman Catholics. Then follow some reasons why we should do relief work. A summary of these points follows: 1. "The Mennonite who does not sacrificially support a program of relief motivated by love for war sufferers belies the nature of the God whose child he professes to be." 2. Obedience to God's Word. 3. The Mennonite attitude toward the world—that of being a witness. 4. The true witness is a "suffering witness." One of the principles of Mennonite Relief, Lehman points out, is that of the individual relief worker suffering with those to whom he is ministering. The suffering of Jesus for humanity is the example that, throughout their history, has challenged Mennonites to help the suffering. The author believes that "Fellow suffering with the unfortunate was the following of Jesus' way of life." The purpose of the booklet is most ably stated on the last page, "Our relief work to be

genuine will need that personal experimental, evangelistic touch. . . . Without this it can become a mere social service."

The annotated bibliography in the special Studens' Edition of this booklet is a valuable supplement for further study. This bibliography is quite complete as of 1945 and is the work of Dr. M. C. Lehman and his research assistants, in the C.P.S. program, John E. Bender and Justus G. Holsinger.

Akron, Pennsylvania Joseph N. Byler.

Mennonite Community Sourcebook, ESKO LOEWEN, Editor. Civilian Public Service Section, Mennonite Central Committee, Akron, Pennsylvania, 1946. Pp. 147. 50 cents.

This little book is one of the most significant contributions to come from the young men in Civilian Public Service. It is significant because it represents a set of profound educational experiences and also reflects an awakened concern for the fruit of Christian faith, namely the Christian community. The book is proof of the concern which these writers have for the propagation of the values they discovered in the Christian church and its community.

This is a practical handbook for all those who are concerned with a well-rounded community life program. Nine subjects are covered in as many chapters, each being treated by a separate author; in each is a systematized list of reading references and subjects. The covered subjects are: Christian Life and Service, Peace and Our Heritage, Family and Home, Agriculture and Vocations, Music, Crafts, Recreation, and Methods of Education. Besides the valuable informatioin in each chapter there are five appendices with sources of information on how and where to order books and pamphlets on the subject discussed.

This is really a family book, useful to husband and wife, son and daughter. It is a kind of handy little encyclopedia answering the questions of the how, where, what, and why of community life. To illustrate, the chapter on Family and Home has reference material on such a variety of subjects as the family as a unit, husband and wife relationships, child care and training, the child's religious life, the young adolescent, the older young people, and a list of agencies dealing with family problems, such as housekeeping, finances, dietetics, and health.

For fifty cents no other similar booklet supplies so great a variety of helpful subjects. Ministers, teachers, church young people leaders, and alert parents will find this a valuable book to have on hand. The editor and his colleagues are to be congratulated for this splendid contribution.

Bethel College J. W. Fretz.

Kristli's Trees. By Mabel Dunham. Toronto: McClelland & Stewart Limited, 1948. Illustrations by Selwyn Dewdney. Pp. 198. $3.00.

Those readers who have appreciated the sympathetic treatment Mabel Dunham has given the Mennonites in her *Trail of the Conestoga* and later in the *Grand River* will wecome her latest book, entitled *Kristli's Trees.* They will also be agreeably surprised to learn that Miss Dunham has skill in the field of children's literature, for this volume is written for children from eight to ten. Although it is written for them, their older brothers and sisters and their parents will enjoy it also.

The book has as its hero little Kristli Eby who was born on a farm in an Old Order Mennonite community near Kitchener, Ontario. Each year on Kristli's birthday, his father planted a tree on their land near the bank of the Conestoga River. This yearly ceremony took on deep meaning as his father taught him lessons concerning long range views and the value of good roots both in trees and in families.

Visits to his great-grandfather also added to his appreciation for the family background. "Groszgroszdoddy" Samuel Eby not only succeeded in telling the lad the stories of the Mennonite migration to Ontario and of their pioneer experiences in the new country but in addition he traced the family history back to Switzerland and in a simple manner suited to a ten-year-old child explained the reasons for the migrations.

"The oil and water don't mix," explained Groszgroszdoddy. "Well, it's like that with Mennonites and the world. They don't mix. The world says we must fight, but the Bible says 'Cursed be the sword.' "

The visit to the First Mennonite Church in Kitchener and to the home of his cousin who lives in the city and whose parents are members of this church is made the occasion for showing that not all Mennonites are as completely separated from the world as are those of the particular small conservative branch to which Kristli's parents belong. In this comparison, however, the city Mennonites do not fare very well.

The hero has a variety of experiences in the chapters of the book, including attendance at a large family reunion and becoming involved in a misdeed that brought him deep pangs of conscience and deserved punishment. Woven around these incidents are descriptions of farm life and Mennonite customs which gives the book authentic local color. The book has a character building power that will leave its lasting impressions upon many boys and girls who have never heard of Mennonites and who may think them to be a very strange people but who will recognize in little Kristli a real boy with whom they would be happy to play.

The only important point in which the author did not interpret the Mennonite position correctly was at the place where she had them approving noncombatant service in the army. Most Mennonites in Canada, including all of the conservative groups, opposed all participation in the armed forces, both combatant and noncombatant. Their young men served in alternative service work camps.

Mennonite Research Foundation. Melvin Gingerich